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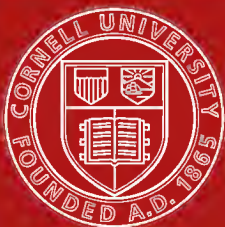
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DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY

 REGULATIONS OF THE
DEPARTMENT OF LABOR,

United States. Dept. of Labor.

IN EFFECT OCTOBER 15, 1915 /



WASHINGTON
GOVERNMENT PRINTING OFFICE
1915

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ORDER OF PROMULGATION.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D. C., October 15, 1915.

The Department of Labor was created by the act of Congress approved March 4, 1913, entitled "An act to create a Department of Labor."¹

For purposes of organization under that act, I, William B. Wilson, as the Secretary of Labor first appointed and confirmed pursuant thereto, issued on March 4, 1913, a general order which, after quoting the act in full, proceeded as follows:

That all regulations, instructions, and decisions in force March 3, 1913, given by competent authority, applicable or pertaining to or affecting the above-mentioned offices, bureaus, divisions, branches, and departments of the public service, their business, duties, powers, authority, effects, and employees, shall remain in full force and effect until further ordered, subject, however, to the jurisdiction of this Department, and with such changes as may be necessary to carry into effect the transfer of supervisory and other powers of this Department.

Some of those regulations, instructions, and decisions had been compiled and published in book form as "Circulars of the Department of Commerce and Labor in effect July 1, 1911." The others had been subsequently published from time to time in sheets. Both the compilation and the sheets contained requirements relative to functions of the Department of Commerce and Labor which had not been transferred to the Department of Labor and therefore were inapplicable under the order quoted above. Other requirements have been abrogated or superseded since that date, and of the remaining regulations some are inadequate or otherwise unsatisfactory. A revision of the existing rules is consequently deemed necessary. But in itself a revision would not be enough. The Department of Labor, with duties and responsibilities as to industrial interests broader than those lodged in the Department out of which it was carved and from which its rules have come, needs additional rules as well as a revision of the old ones. In order, also, that the Department and its branches may be a unit in administration as they are in statutory purpose, the

¹ Appendix A.

revision of the old rules and the making of new ones should be correspondingly unified.

Therefore this code, to be known as "Regulations of the Department of Labor," is hereby promulgated to take effect October 15, 1915, in place of all regulations, instructions, and decisions theretofore in force for the administration of the Department and its branches.

W. B. WILSON,
Secretary of Labor.

I. PURPOSES OF THE DEPARTMENT

ARTICLE I.—FUNDAMENTAL PURPOSE.

STATUTORY DECLARATION.

SECTION 1. By section 1 of the organic act¹ of this Department the purpose of the Department is declared to be (1) to foster, promote, and develop the welfare of the wage earners of the United States; (2) to improve their working conditions; and (3) to advance their opportunities for profitable employment.

DEPARTMENTAL POLICY.

SEC. 2. The policy of the Department in administering the foregoing statutory declaration of purpose will continue to be as heretofore promulgated,² namely:

1. **Wage-earning interests.**—The Department has no authority to foster, promote, or develop for wage earners any special privileges; but the inference from the organic act is irresistible that Congress intended it to conserve their just interests by means of an executive department especially devoted to their welfare.

2. **Labor unions.**—The Department was created in the interest of the welfare of all the wage earners of the United States, whether organized or unorganized; but inasmuch as ordinarily it is only through organization that the many in any class or of any interest can become articulate with reference to their common needs and aspirations, officials of the Department of Labor should turn to labor organizations for advice, suggestion, and information. If the statutory purposes of the Department are to be subserved through an intelligent and effective administration of its authorized functions, its officials must invite the confidence and encourage the cooperation of responsible labor organizations and their accredited officers and committees.

3. **Other industrial interests.**—Similar relations, to the fullest extent to which they themselves permit, with unorganized wage earners, with employers and their organizations, and also with other organizations are likewise a duty of officials of the Department.

4. **Guiding purpose.**—The purpose that should govern the Department in every relation and be understood and acquiesced in by every-

¹ Act of Mar. 4, 1913, entitled "An act to create a Department of Labor." See Appendix A.

² First Annual Report of the Secretary of Labor, Dec. 31, 1913, pp. 5-7; Second Annual Report, Oct. 31, 1914, pp. 5, 6.

body is that which is prescribed in terms by the organic act—*promotion of the welfare of the wage earners of the United States*. In the execution of this purpose the element of fairness between wage earner and wage earner, between wage earner and employer, between employer and employer, and between each and the public as a whole must be the supreme motive of all who represent the Department. The organic act is to be construed not only as a law for promoting the welfare of the wage earners of the United States by improving their working conditions and advancing their opportunities for profitable employment, but as a command for doing so in harmony with the welfare of all industrial classes and of all legitimate interests and by methods tending to foster industrial peace through progressively nearer realizations of the highest ideals of industrial justice.

ARTICLE II.—SUBSIDIARY AND COLLATERAL PURPOSES.

MEDIATION IN LABOR DISPUTES.

SECTION 1. Through the Secretary the Department is empowered to mediate in labor disputes whenever in his judgment the interests of industrial peace require it to be done.¹

LABOR DISTRIBUTION.

SEC. 2. The authority of the Department for assisting in labor distribution is derived from the statutory duties of one of its branches as expanded inferentially by its own statutory powers. Its organic act (sec. 3) transferred to the Department of Labor an administrative unit of the Bureau of Immigration called the Division of Information, the statutory duties of which then were and still are "to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration," to "gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory," to "publish such information in different languages," and to "distribute the publications among all admitted aliens who may ask for such information at the immigrant stations of the United States and to such other persons as may desire the same." By its transfer the Division of Information and its work of promoting a beneficial distribution of aliens were subordinated to the jurisdiction of this Department, the purpose of which, as prescribed by the act of transfer, is "to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment." Coming thus under the influence of that clause, the original powers

¹ Organic act of the Department, sec. 8.

of the Division of Information were so far expanded as to impose upon it the duty, when so directed by the Secretary and under his control,¹ of promoting a beneficial distribution not only of aliens but also of wage-earning citizens.

FACTS ABOUT LABOR.

SEC. 3. The Bureau of Labor and the Commissioner of Labor at the time of the passage of the organic act of the Department, and all that then pertained to them, including all the powers and duties theretofore possessed by the commissioner, were transferred to the jurisdiction and supervision of this Department by the titles, respectively, of "Bureau of Labor Statistics" and "Commissioner of Labor Statistics." Thereby the Department of Labor acquired administrative supervision of the function of gathering and diffusing among the people of the United States useful information upon subjects connected with labor² in the general and most comprehensive sense of that word, and especially upon the relation of labor to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity. By the act of transfer the Bureau of Labor Statistics was required, under the direction of the Secretary of Labor, to collect, collate, and report at least once each year, or oftener if necessary, full and complete statistics of the conditions of labor and its products and the distribution of its products. Considered with reference to the foregoing statutory requirements and to the statutory declaration of the fundamental purpose of this Department, the fact-collecting, fact-collating, and fact-reporting powers and duties of the Bureau of Labor Statistics, statistical and otherwise (subject to the Secretary), are coextensive with all the administrative powers and duties of the Department regarding the welfare of wage earners.

IMMIGRATION.

SEC. 4. By the organic act of the Department the Commissioner General of Immigration, the commissioners of immigration, the Bureau of Immigration and Naturalization, and the Immigration Service at Large, and all that then pertained to them, were transferred to the jurisdiction and supervision of the Department of Labor—the Bureau of Immigration and Naturalization being by that act divided into two bureaus. As one of these two is the Bureau of Immigration, the Department thereby acquired administrative supervision of the immigration laws, including the laws regulating the admission of Chinese.

¹ Compare immigration act of 1907 as amended, sec. 40, with organic act of Department of Labor, sec. 3.

² Act of Congress approved June 27, 1884, and sec. 1 of act approved June 13, 1888.

CHILD WELFARE.

SEC. 5. By the organic act the Children's Bureau and all that pertained to it were transferred to the jurisdiction and supervision of the Department of Labor. Thereby this Department acquired supervisory jurisdiction over the investigation of all matters pertaining to the welfare of children and child life, more specifically of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations of children, their employment, and their accidents and diseases, as well as State and Territorial legislation affecting them.¹

NATURALIZATION.

SEC. 6. In making two bureaus of the former Bureau of Immigration and Naturalization, the organic act (sec. 3) of the Department raised the then Division of Naturalization to the grade of a bureau by a new title, "Bureau of Naturalization," and altered the titles of "Chief Division of Naturalization" and "Assistant Chief" respectively to "Commissioner of Naturalization" and "Deputy Commissioner of Naturalization." It provided also that the administration of the naturalization laws should be in charge of the former (of the latter in the former's absence) under the immediate direction of the Secretary. Thereby this Department acquired administrative supervision of the naturalization laws.

¹ Act of Congress of Apr. 9, 1912, entitled "An act to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau."

II. OFFICE OF THE SECRETARY

ARTICLE I.—SECRETARY.

OFFICE AND TENURE.

SECTION 1. Under section 1 of the organic act of the Department the Secretary, whose appointment is made by the President by and with the advice and consent of the Senate, is designated as the head of the Department of Labor, which is described in the act as “An executive department of the Government.” By the same act his tenure of office is required to be like that of the heads of the other executive departments.

POWERS AND DUTIES.

SEC. 2. By including this Department among those specified in section 158 of the Revised Statutes and applying to it the provisions of Title IV of the Revised Statutes with the amendments thereto, the organic act assigned to the Secretary the following powers and duties:

1. **Departmental regulations.**—To prescribe regulations not inconsistent with law for the government of the Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.¹

2. **Distribution of clerks.**—In his discretion to alter the distribution of clerks among the various bureaus and offices of the Department.²

By the organic act itself the Secretary has the following powers and duties:

3. **Seal.**—To cause a seal for the Department to be made, approved by the President, of which seal judicial notice shall be taken.

4. **Facts about labor.**—To employ any of the bureaus of the Department to collect, collate, and report statistics of the conditions of labor and its products and their distribution, and to rearrange the statistical work of the Bureau of Labor Statistics and distribute or consolidate the same. Also to call upon other Departments for statistical data and results obtained by them, and to collate, arrange, and publish any or all of the aforesaid statistical information.

¹ R. S., sec. 161.

² R. S., sec. 166.

5. **Department property.**—To have charge, in the premises occupied by or appropriated to the Department, of the library, furniture, fixtures, records, and other property appertaining to or acquired for use in its business.

6. **Mediation in labor disputes.**—To act as mediator and to appoint commissioners of conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done.

7. **Executive authority.**—To exercise all the power and authority and to perform all the duties possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service transferred to this Department by its organic act, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, office, board, branch, or division of the public service, whether of an appellate or advisory character or otherwise.

8. **Annual reports.**—To report to Congress annually at the close of each year, describing the work of the Department and giving an account of all moneys received and disbursed by him and by the Department.

9. **Special reports.**—To make such special investigations and reports as may be required of him by the President or Congress or as he himself may deem necessary.

10. **Reports on coordination.**—To investigate and report to Congress a plan of coordination of the activities, duties, and powers of the bureaus, commissions, and departments so far as they relate to labor and its conditions, in order to harmonize and unify such activities, duties, and powers with a view to further legislation to further define the duties and powers of the Department.

SEALS.

SEC. 3.—1. **Department seal.**—(a) The authorized seal of the Department of Labor is described as follows:

Or. on a fesse gules, between an anvil in chief and a plough in base proper, a pulley, a lever, and an inclined plane argent. Crest: An eagle displayed proper. Above the seal, placed circularly, the words "Department of Labor" and below in similar manner the words "United States of America," all inclosed with a circle.

(b) This seal is in the custody and charge of the Secretary. (c) It shall be used only for the authentication of such papers, records, or documents as may be authorized or required by law or to which it may be affixed by direction of the Secretary. (d) A printed copy shall appear upon the title page of all book and pamphlet publications

of the Department. (e) No impression or copy of the said seal shall be made or used for any other purpose.

2. **Bureau seals.**—(a) In cases other than those in which the Department seal is required, bureaus whose duties include the certification or authentication of official papers shall use an official seal of the same device as the Department seal, except that the legend "Department of Labor, U. S. A.," shall appear in the upper arc of the circle and the name of the bureau in the lower. (b) The size of bureau seals shall be $1\frac{1}{4}$ inches in outside diameter.

DEPARTMENT FLAG.

SEC. 4. (a) The Department shall have a flag of white bunting, measuring 12 feet fly and 7 feet 6 inches hoist, with the seal of the Department in the center and a five-pointed blue star near each corner—one star for each bureau under the jurisdiction of the Department. (b) This flag shall be displayed as the Secretary may direct.

ARTICLE II.—ASSISTANT SECRETARY.

OFFICE.

SECTION 1. Under section 2 of the organic act of the Department the Assistant Secretary is appointed by the President without confirmation by the Senate.

DUTIES.

SEC. 2.—1. **Statutory.**—He performs such duties as the Secretary prescribes or as are required by law. The only duties required by law of the Assistant Secretary, other than such as the Secretary prescribes, are to perform the duties of the Secretary (unless otherwise directed by the President) in case of the death, resignation, or absence of the Secretary and until a successor to the latter is appointed or such absence terminates.

2. **Prescribed by the Secretary.**—The Assistant Secretary is required by the Secretary (a) to execute any administrative functions which are assigned to him by general order or special instructions; (b) to execute the functions of the Secretary with reference to immigration cases, subject to the approval of the Secretary; (c) to execute the functions of the Secretary with reference to the routine business of all the bureaus and other branches of the Department, subject to the approval of the Secretary; (d) to act as chairman of the Departmental Committee, of the Committee on Business Methods, and of the Advisory Committee on Printing and Publication; (e) to supervise the News-release Office and (f) to superintend the work of labor distribution.

ARTICLE III.—SOLICITOR.

OFFICE.

SECTION 1. The Solicitor is an official of the Department of Justice appointed for and assigned to the Department of Labor.

AUTHORITY TO ACT AS SECRETARY OF LABOR.

SEC. 2.—1. **Executive order.**—In addition to his other duties the Solicitor acts as Secretary pursuant to and in accordance with the following Executive order made by President Wilson June 5, 1913:

Pursuant to the authority contained in section 179 of the Revised Statutes, I hereby authorize and direct John B. Densmore, Solicitor of the Department of Labor, to perform the duties of Secretary of Labor during the absence of the Secretary of Labor and the Assistant Secretary of Labor.

2. **Duties as Solicitor.**—The Solicitor is the chief law officer of the Department. His duties are to act as legal adviser to the Secretary and the chiefs of the various bureaus of said Department; to prepare and examine all contracts and bonds entered into or required by said Department; and to render such legal services in connection with matters arising in the administrative work of this Department as may be desired by the head of the Department or required of him by the Attorney General.

ARTICLE IV.—CHIEF CLERK.

AUTHORITY AND DUTIES.

SECTION 1.—1. **Statutory authority.**—The organic act (sec. 2) provides that there shall be one Chief Clerk of the Department.

2. **Duties.**—The duties required by regulation of the Chief Clerk are that he, under the immediate direction of the Secretary, shall have (1) general supervision of the clerks and employees of the Department; (2) the superintendency of all buildings occupied by the Department in Washington, D. C.; (3) the direction of the watchmen, engineers, mechanics, firemen, laborers, and other employees connected with the care and protection of the Department buildings; (4) the care of the horses, wagons, and motor vehicles; (5) charge of the expenditure of appropriations for contingent expenses and rents; (6) charge of the receipt, distribution, and transmission of the mail; (7) custody of the records and files and library of the Secretary's Office; (8) charge of answering calls from Congress and elsewhere for copies of papers and records; (9) the duty of passing upon all appointment papers affecting the personnel of the Department; (10) charge of the enforcement of the general regulations of the Department; and (11) charge of all unassigned business of the

Office of the Secretary. He serves also as secretary of the Departmental Committee and as a member of the Advisory Committee on Printing and Publication.

ARTICLE V.—DISBURSING CLERK.

SECTION 1. Statutory authority.—The organic act (sec. 2) provides that there shall be a Disbursing Clerk of the Department.

SEC. 2. Authority and duties.—The Disbursing Clerk is charged by the Secretary with the duty of preparing all requisitions for the advance of public funds from appropriations for the Department to disbursing officers authorized to pay vouchers for liabilities legally incurred by the Department and with the keeping of appropriation ledgers relating to the advance and expenditure of all appropriations. He is also charged with the payment of vouchers and accounts submitted from the various bureaus, offices, and services of the Department; the general accounting of the Department; and the issuing, recording, and accounting for Government requests for transportation issued to officials of the Department for official travel. He is required by law to account for all fees received through the Bureau of Naturalization for the naturalization of aliens and to deduct and withhold income tax from payments made to persons, firms, etc., who are subject to the act of October 3, 1913, and account for the same.

ARTICLE VI.—MEDIATION AND CONCILIATION IN LABOR DISPUTES.

STATUTORY AUTHORITY.

SECTION 1.—1. Power.—The clause of the organic act of the Department under which the Secretary intervenes in labor disputes is as follows: "That the Secretary of Labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done."¹

2. Executive clerk.—By the legislative, executive, and judicial appropriation act for the fiscal year ended June 30, 1915, approved July 16, 1914, the Secretary is authorized to appoint an executive clerk to aid him in exercising his powers of mediation and conciliation.

DEPARTMENT POLICY.

SEC. 2.—1. Conservation of industrial interests.—In industrial disputes the Department must conserve primarily the interests of the wage earners of the United States. But it is the aim of the

¹ Organic act of the Department, sec. 8.

Department to represent wage-earning interests fairly and without prejudice to any other legitimate interest.

2. **Methods.**—Mediation does not mean arbitration of any kind. The mediation function is not judicial; it is diplomatic. The Secretary or his commissioners of conciliation may propose arbitration, but must not themselves act as arbitrators. Commissioners of conciliation are required (a) to try to bring the employers and the wage earners concerned in a dispute into direct negotiations for an amicable adjustment; (b) failing in that, they are to act as negotiators in an effort to find some mutually satisfactory basis of settlement; (c) failing also in this, they are to endeavor to secure an agreement to a basis of arbitration in which the award shall decide nothing but the points actually in dispute; (d) failing in all, they are required to report the pertinent facts to the Department for further instructions.

ARTICLE VII.—GOVERNMENT WORKMEN'S COMPENSATION CLAIMS.

SECTION 1. The organic act of the Department, in section 3, transferred to the Secretary of Labor jurisdiction and control over the administration of the act approved May 30, 1908, granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment. To promote the orderly and efficient conduct of official business under the last-mentioned statute, the following rules will govern, viz:

SEC. 2. The administrative duty of examining claims arising thereunder and the preparation of such memoranda as may be required concerning the facts of each claim are delegated to the Bureau of Labor Statistics; and in those instances in which action is necessary in order to protect the interests of the United States in adjudicating claims arising under the statute it is the duty of the Commissioner of Labor Statistics to cause appropriate communications to be prepared for signature by the Secretary or Assistant Secretary.

SEC. 3. All the papers in each claim, together with memoranda prepared in accordance with the foregoing rule, shall be referred to and considered by the Solicitor for the Department, who will construe the law applicable to the matter in the light of the facts as disclosed by the record in each case, and when required will prepare opinions for approval and appropriate reference by the Secretary, or the Assistant Secretary acting under instructions of the Secretary.

SEC. 4. The opinion of the Solicitor, approved and referred as herein required, shall stand as the decision of the Secretary under the statutes.

III. THE BUREAUS

BUREAU OF LABOR STATISTICS.

ARTICLE I.—COLLECTION AND PUBLICATION OF DATA.

In carrying out the purpose for which the Bureau of Labor Statistics was created—to acquire and diffuse among the people of the United States useful information on subjects connected with labor, in the most general and comprehensive sense of that word, and especially in its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity—the data are collected from various sources, by personal visits of agents in the field and otherwise. These data are then compiled and prepared for publication in the bulletins of the bureau, which are issued at frequent intervals, each number dealing exclusively with some phase of one of the following general subjects: Wholesale prices, retail prices and cost of living, wages and hours of labor, women in industry, workmen's insurance and compensation (including laws relating thereto), industrial accidents and hygiene, conciliation and arbitration (including strikes and lockouts), labor laws of the United States (including decisions of courts relating to labor), foreign labor laws, and miscellaneous subjects.

Although the Bureau of Labor Statistics in former years published annual and special reports and bimonthly bulletins, its only forms of publication now are the bulletins to which reference is made in the preceding paragraph and the Monthly Review.

The publication of the Monthly Review began with July, 1915, and it will be issued on the 29th day of each month. This publication constitutes the medium through which the Bureau of Labor Statistics will publish the results of original investigations too brief to be presented in the form of monograph bulletins, together with notices of labor legislation by the States or by Congress and Federal court decisions affecting labor which from their importance should be given attention before they could ordinarily appear in the bulletins devoted to these subjects; information concerning current work of the Bureau of Labor Statistics, the other bureaus of the Department, and any other Federal, State, and municipal agencies dealing directly with labor matters. Most of the material in the Monthly Review is entirely inaccessible in any other form to the general reader. The special purpose of the publication will be to make available, regularly

and promptly, notices and summaries of American and foreign official reports of all bureaus, offices, and commissions dealing with the various phases of the labor question. An attempt will be made to keep in touch with the more important current movements and methods for the reporting of industrial accidents and occupational or industrial diseases and for the prevention of these; for reporting industrial and vocational surveys of better housing of workingmen; and any other activities, public or private, that have for their object the betterment of industrial conditions.

As all of the publications of the bureau are furnished gratis upon application if a supply is available for distribution, the name of any individual, institution, firm, company, etc., interested in the contents of the bulletins will upon application be placed on the mailing list for any one or more of the series of bulletins dealing with the subjects above mentioned.

The reports based on certain investigations which the bureau has been directed by the President or by Congress to undertake have been published as documents of the United States Senate or the House of Representatives, and the bureau has in nearly all such cases obtained a small number of copies of these documents for gratuitous distribution; these also are furnished to applicants as long as copies remain at the disposal of the bureau.

In order that the newer publications may be included, a list of all publications of the Bureau of Labor Statistics, including reports that have been published as House or Senate documents, is issued every few months. In these lists those publications of which the bureau's supply has been exhausted are indicated by asterisks; any not so indicated will be furnished free on application. In most cases the Superintendent of Documents, Government Printing Office, has for sale a limited number of copies of the various reports and bulletins that have been issued by the bureau, and even though the bureau's supply has been exhausted it is frequently possible to obtain copies of such publications by purchase from him. He furnishes, on application, price lists of publications by subject indexes; the prices quoted in such lists constitute the only charge, postage being prepaid.

In compliance with the provisions of section 76 of "An act to provide a government for the Territory of Hawaii," as amended April 8, 1904, the Commissioner of Labor Statistics publishes quinquennial reports of labor conditions in Hawaii.

ARTICLE II.—LABOR LEGISLATION.

The Bureau of Labor Statistics is the representative of the United States Government in the International Association for Labour Legislation, the subvention therefor being provided in its appropriation.

ARTICLE III.—GOVERNMENT WORKMEN'S COMPENSATION CLAIMS.

After the approval of the act of May 30, 1908, granting to certain employees of the United States compensation for injuries received in the course of their employment, the then Bureau of Labor (now Bureau of Labor Statistics) was charged with certain administrative duties under that act. When the Department was created the administrative functions referred to were continued in the Bureau of Labor Statistics under the supervision and jurisdiction of the Department.

The text of the act of May 30, 1908, together with the amendments of March 11, 1912, and July 27, 1912, extending the provisions of the original act to any artisan, laborer, or other employee engaged in hazardous work under the Bureau of Mines or the Forestry Service of the United States and to persons employed by the United States in any hazardous employment in the Lighthouse Service, will be found in Appendix B.¹

ARTICLE IV.—LIBRARY.

The Bureau of Labor Statistics contains a carefully selected library, specialized along the lines of the object of the bureau and embracing the reports of all State and foreign labor offices as well as the more important treatises and studies in English and foreign languages on germane subjects. This library is available for the use of students and special investigators who visit it in the prosecution of research work. Books will be loaned, under restrictions, to employees of the bureau or of the Department and in special cases to investigators not connected with the Department on application to the Commissioner of Labor Statistics.

¹ For Department rules, see Part II, Article VII.

BUREAU OF IMMIGRATION.

ARTICLE I.—ORIGIN AND DEVELOPMENT.

By section 7 of the immigration act of March 3, 1891,¹ there was created in the Treasury Department the "Office of Superintendent of Immigration," which was the first attempt at a centralized national control of immigration. That act provided that, in addition to the Superintendent of Immigration, there should be a chief clerk and two clerks assigned to the said office. From this small beginning has gradually grown the branch of the Government service known as the Bureau of Immigration.

The scope and character of the duties imposed upon the bureau and its chief have been greatly increased with each addition to the immigration laws. By the act of June 6, 1900, the enforcement of the Chinese-exclusion laws was also vested in the head of the office and service, whose title had been changed to Commissioner General of Immigration by the act of March 2, 1895. The act of June 29, 1906, provided for a change of the title of the bureau to Bureau of Immigration and Naturalization and authorized the establishment therein of a Division of Naturalization for the enforcement of the naturalization laws. By the organic act the Division of Naturalization was separated and raised to the rank of a bureau. In the act of February 20, 1907, provision was made for the establishment in the Bureau of Immigration of a Division of Information, with the object of promoting a beneficial distribution of aliens admitted to the country. This, briefly, is an account of the origin and development of the bureau.

ARTICLE II.—FUNCTIONS AND DUTIES.

The bureau was originally established with the object of effecting a national control of the immigration of aliens to the United States, jurisdiction of the subject, prior to March 3, 1891, having been left largely to the various States. Succeeding that date Congress from time to time modified the character and extended the scope of the immigration laws until the act of February 20, 1907, which was practically a reenactment, with numerous changes, of all legislation on the subject. That act, relating to the admission or exclusion and deportation, and the distribution of aliens in general, as well as the various statutes concerning the admission and exclusion of Chinese persons, and the several provisions contained within the said

¹ For statutes and rules, see Appendix C.

act of 1907 applying particularly to alien contract laborers, constitutes the body of the law with the enforcement of which the bureau is charged.

To enforce these laws more than 1,500 officers, scattered throughout the United States, are employed. The affairs of this vast organization must be carefully supervised, and the efforts of the employees must be directed and the results of their labors used so as to further the common cause of an efficient and economical enforcement of the laws. Moreover, the policies of the service must be fixed and made uniform and decisions must be rendered for the guidance of the entire service in its enforcement of the law. These items, briefly speaking, constitute the work in which the headquarters of the service at Washington—the bureau proper—is constantly engaged. The effective performance of this task requires an extensive and comprehensive system of organization.

ARTICLE III.—ORGANIZATION AND METHODS.

The Bureau of Immigration and the service of which it is the directing administrative head are systematically and practically organized, constituting a business institution conducted under modern methods, and it is manned by a corps of intelligent, efficient, zealous employees in the selection of the members of which great care has been exercised. At the head of this organization is the Commissioner General of Immigration and ranking second to him is the Assistant Commissioner General, who also fills the position of chief clerk.

Scope of the divisions.—The work assigned the bureau falling into two natural and well-defined branches, its organization is arranged within two distinct divisions: (1) The Immigration and Chinese Division, which has charge of the enforcement of the general immigration laws and those relating to Chinese aliens and is the main part of the bureau, which has gradually been built up as the body of law on those subjects has grown, beginning with the creation in 1891 of the office of the Superintendent of Immigration in the Treasury Department; and (2) the Division of Information established under the act of February 20, 1907, with the object of assisting in a proper distribution of aliens admitted to the United States. The two divisions are manned and organized as follows:

ARTICLE IV.—IMMIGRATION AND CHINESE DIVISION.

This, the oldest and principal division of the bureau—until recently the entire bureau—quite naturally is directly presided over by the Commissioner General. In his absence the official designated as

Assistant Commissioner General and Chief Clerk acts as Commissioner General. This division is the headquarters of the Immigration Service at Large, and it must systematize and harmonize, by a detailed supervision, the efforts of all the field officers in such manner as to insure the attainment of maximum results with a minimum amount of labor and expense. The division is, with respect to its employees and the work upon which they are engaged, subdivided into sections, the particular duties of which may be described as follows:

Law section.—The law section is in charge of the legal adviser of the bureau, who has assigned to him an assistant law officer and a number of law clerks and stenographers. To this section are referred all questions of law arising in the course of the administration of the immigration and Chinese-exclusion acts and any complicated questions of fact involving the application of the statutes to peculiar or unusual circumstances and the preparation of decisions in appeal and warrant cases; and it is also charged with the preparation of such rules and regulations as are promulgated in enforcing the acts mentioned.

Correspondence and accounting section.—The work of this section is directed by a chief and his assistant. There are assigned to it a corps of clerks and stenographers engaged in preparing communications and orders of almost unlimited extent and scope; for not only must the bureau's supervision of the field force be exercised largely by means of written communications, but other branches of the Government and private persons are constantly in correspondence with the bureau on innumerable subjects connected with the enforcement of the laws. In this section also is conducted the work of recording and preparing for approval all accounts and vouchers covering the expenses of conducting the Immigration Service and the preliminary examination of all contracts for service and supplies and similar matters.

Files and records section.—The files and records section, under the supervision of a chief and assistant chief to whom are assigned several clerks, has charge of the recording of all letters and other written communications received and the systematic filing of such documents with copies of the replies thereto, after they have been handled by the various other sections of the division. The correspondence to be filed is arranged under a complete system of numbers and subnumbers and is indexed by the card method; thus every communication is so placed that with the least hint as to its purport it can promptly be withdrawn from the files.

Statistical section.—The statistical section has charge of compiling and publishing the large variety of statistical matter—of which a record is kept at the various ports—concerning the admission or exclusion of aliens, the classes to which the aliens belong, etc. The chief statistician of the bureau has charge of this section, and there are assigned him an assistant statistician and several clerks. The character of the work done in this section is partly indicated by the tables and charts on immigration issued periodically by the bureau.

Chinese-certificate section.—The Chinese-certificate section is conducted by a special Chinese inspector designated to direct the performance by immigration officers of such duties relating to the enforcement of the Chinese-exclusion laws as, prior to the establishment of the Department of Commerce and Labor (by the act of Feb. 14, 1903), were discharged by the various collectors of internal revenue located throughout the country. In this section are filed the duplicates of the certificates of residence issued to Chinese persons under the Chinese-registration acts of 1892 and 1893 and the regulations of the Department established thereunder and all records relating thereto as well as duplicates of certificates of identity issued to Chinese at ports of entry. The inspector in charge considers applications for certificates in lieu of those unavoidably lost or destroyed and verifies all certificates presented by departing Chinese laborers. Because of the fact that the files of this section contain much evidence that must constantly be used by the law officers in considering Chinese appeals, its work is closely related to that of the law section.

Contract-labor section.—The contract-labor section is in charge of a special contract-labor inspector, employed under that provision of section 24 of the act of 1907 which sets aside from the annual appropriation of the bureau a specific sum to be expended in the enforcement of so much of the statute as relates particularly to alien contract laborers. The said office is in charge, under general supervision by the bureau, of the several field inspectors employed in accordance with the said provision of section 24, and for the purposes of convenient and systematic administration handles initially all contract-labor cases that come before the bureau, whether they originate with or are investigated by the special field officers mentioned or arise in the regular and natural course of the business of enforcing the law along usual lines.

Immigration Service at Large.—For purposes of convenient administration, this consists of 23 separate offices, presided over by commissioners of immigration or inspectors in charge. These offices are the headquarters of administrative districts, in many of which a number of suboffices are located, the officials in charge supervising all of the affairs of such districts and reporting direct to the bureau,

while those under them in charge of suboffices report to their superiors or through them to the bureau. In all of these districts but one the enforcement of both the immigration and the Chinese-exclusion laws is in charge of the one head official. The exception is the district comprising the States of New York and New Jersey, in which the supervision of the said two classes of laws is divided between the commissioner at the Ellis Island station and the Chinese inspector in charge in New York City.

Object of subdivisions.—Through this system of organization it is possible to secure the best results, both with respect to the centralization and the making uniform of the means and processes of enforcing the law and the placing of immediate authority and responsibility in officials conveniently located to all portions of the territory included within the respective districts.¹

ARTICLE V.—DIVISION OF INFORMATION.

This statutory division of the Bureau of Immigration now operates in part under the authority of its own organic act and in part under the authority of the organic act of the Department. The comprehensive purpose of the latter as prescribed by its own terms is to “foster, promote, and develop the welfare of the wage earners of the United States, to improve their working condition, and to advance their opportunities for profitable employment.” The same act authorizes the Secretary to “employ any or either of the bureaus provided for the Department and to * * * distribute or consolidate the same as may be deemed desirable in the public interests.” It also makes the Bureau of Immigration and the Division of Information therein an integral part of the Department. Thereby the statutory functions of the Division of Information are, under the direction and supervision of the Secretary, expanded in accordance with the comprehensive purpose prescribed by the organic act of the Department. Originally they were, as prescribed by section 40 of the act of Congress approved February 20, 1907, to “promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration” and to “gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory” and “publish such information in different languages and distribute the publications among all admitted aliens who may ask for such information at the immigrant stations of the United States and to such other persons as may desire the same.” By implication under the organic act of the Department this purpose is now so expanded as to enable the Secretary to utilize the Division of Information in the manner hereinafter described.

¹ See Appendix C.

After brief experience under the restricted scope of the original authority of the Division of Information, it was determined as early as 1907 that the most effective way of promoting a beneficial distribution of aliens and others was to secure opportunities for employment to which the applicants for information concerning work could be directed, thereby assuring them a livelihood. But with the establishment of the Department of Labor, March 4, 1913, the Division of Information became an integral part of the new Department, the purpose of which is "to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment." The Secretary therefore began using the Division of Information to ascertain where places of profitable employment exist and to direct those out of work to such employment. Since he is also authorized by the organic act to call on other departments of the Government for assistance in his work, he is securing this assistance and directing it through the Division of Information, as briefly outlined below.

Until recently the work of distribution was performed mainly by one distribution branch in New York City. The experience gained by that one office, limited in its operations as it originally was, nevertheless demonstrated the importance of the service and the desirability of enlarging it. This was done on February 1, 1915, by the establishment of 18 distribution zones covering the entire United States, the work of distribution and employment of labor in each zone being presided over by an officer of the Immigration Service designated to take charge of this work. The office at which the supervising official is located is known as the headquarters of the zone and as a main branch of the Division of Information. Many of the zones also have subbranches, which are under the immediate supervision of the headquarters of the zone in which such subbranches are located. (See Appendix C.)

This arrangement therefore provides the various distribution points within reasonable travel distance from the places of employment in the surrounding territory, and the cost to the employee for transportation is reduced to a minimum.

With a view to affording opportunities for employers and employees to make known their wants, whether for help or for work, the Post Office Department has instructed all postmasters throughout the country to cooperate with the Department of Labor in the work of the Division of Information by distributing blanks to those who may ask for them, receiving back the blanks when filled out, and mailing them free of postage to the distribution headquarters of the zone in which the post office may be located.

To especially attract farmers who may need additional help, the cooperation of the Department of Agriculture has been enlisted and

that Department has called upon its many thousands of correspondents and field agents to cooperate with the Department of Labor in the work of the Division of Information by making known among them the fact that they can procure their workers through this Federal service without cost either to the employer or the employee.

In none of its activities does the division attempt in any way to displace or to be substituted for State or municipal offices engaged in similar work. On the contrary, it offers and solicits cooperation.

With a view to further carrying out the intent of Congress the division has compiled a series of seven pamphlets entitled "Agricultural Opportunities," each treating of the opportunities in agricultural pursuits in the various sections of the United States, so arranged that they cover the entire country. Applicants for information concerning farming prospects in any particular section are sent the pamphlet which treats of that section. For more specific information applicants are directed to the proper State official.

CHILDREN'S BUREAU.

ARTICLE I.—ORIGIN AND DEVELOPMENT.

The Children's Bureau was established by an act of Congress approved April 9, 1912,¹ and began active operations upon the passage of the legislative, executive, and judicial appropriation act of August 23, 1912. The act creating the bureau differs very little from bills which had been favorably reported by committees of the House and Senate in several preceding Congresses. Originally established as a part of the Department of Commerce and Labor, the Children's Bureau was transferred on March 4, 1913, to the Department of Labor.

ARTICLE II.—FUNCTIONS.

The bureau is required by its organic act to investigate and report on all matters pertaining to the welfare of children and child life among all classes of our people, and especially to investigate questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, and legislation affecting children in the several States and Territories.

The Senate Committee on Education and Labor, which reported the bill to establish the Children's Bureau, said:

The bill as drawn and recommended for passage confines the operation of the bureau primarily to the question of investigation and of reporting the same, the design and purpose being to furnish information in this general way from all parts of the country to the respective States to enable them to deal more intelligently and more systematically and uniformly with the subject. The bill is not designed to encroach upon the rights nor relieve the States from the duty of dealing with this subject, but to furnish the information to enable them to more successfully deal with it.

The bureau has no power to do administrative work, nor can it make any regulations concerning children or create any institutions for them. Its duty is solely to study and report on conditions affecting their welfare. It may publish, in any form approved by the Secretary of Labor, the facts it secures.

ARTICLE III.—PUBLICATIONS.

Any publication of the bureau will be sent without charge upon application so long as a supply is available for distribution. Lists of all publications, showing those still available for distribution, are kept constantly on hand and will be sent upon request, so that a person interested in the work of the bureau can indicate by a check

¹ Appendix D.

the publications desired and return the list to the bureau. The publications will then be sent.

To provide for persons who have a continuing interest in certain of the subjects which the bureau is directed to investigate and who desire to see all that the bureau publishes in connection therewith, five special mailing lists have been established, covering different series of publications, on any of which a name will be placed upon request. To the persons on each of these lists are sent all the publications covering the subjects included in the series to which the list appertains. These lists are as follows:

Care of Children list.

Receives all publications on the hygiene of childhood designed for the use of the individual mother.

Infant Mortality list.

Receives all publications relating to child health in its community aspects, including such subjects as infant mortality, vital and morbidity statistics, birth registration, and baby-saving campaigns.

Industrial list.

Receives all publications dealing with child labor and kindred subjects.

Dependent, Defective, and Delinquent Classes list.

Receives all publications dealing with these classes of children.

Miscellaneous list.

Receives publications not clearly within any of the above series.

The popular pamphlets on the care of children, and certain of the other publications, are in great demand and the bureau receives frequent requests for large numbers to be distributed at meetings of various kinds. Because of the small amount of money available for printing and because of the great danger of waste in this method of distribution, a rule has been adopted against sending the publications in large quantities to one address. Upon request, however, the bureau will send for use at fairs, conferences, clinics, and similar meetings, several copies of these popular pamphlets to serve as samples and will also send blanks on which persons desiring copies may enter their names and addresses. Upon the return of the blanks clearly filled out the pamphlets desired are mailed to the addresses given.

The bureau has a small amount of material suitable for use in child-welfare exhibits, at present mainly lantern slides and charts. Persons desiring to borrow this material should correspond with the chief of the bureau.

Naturally the bureau has, in its highly specialized library and in its files, much material regarding the subjects which it is directed to investigate that is not included in its publications. It endeavors to make this material available for its correspondents in the way that seems most feasible in each particular case. The object of the bureau, as a whole, is to serve as a clearing house for information regarding child welfare.

BUREAU OF NATURALIZATION.

ARTICLE I.—ORIGIN AND DEVELOPMENT.

The Bureau of Naturalization was organized in July, 1906, under the provisions of the act of June 29, 1906¹ (34 Stat. L., 596), being "An act to provide for a uniform rule for the naturalization of aliens throughout the United States."

It was originally organized as the Division of Naturalization of the Bureau of Immigration and Naturalization of the Department of Commerce and Labor. It so continued until the act of March 4, 1913, entitled "An act to create the Department of Labor," became a law, when it was raised to the rank of a bureau and given the title "Bureau of Naturalization."

ARTICLE II.—FUNCTIONS AND DUTIES.

The Bureau of Naturalization has administrative control, under the direction of the Secretary, of all matters relating to the naturalization of aliens and the administration of the naturalization laws. By the organic act of March 4, 1913, the administrative officer in charge of the Bureau of Naturalization and of the administration of the naturalization law is the Commissioner of Naturalization and in his absence the Deputy Commissioner of Naturalization.

In its administration of the naturalization law the bureau obtains the cooperation of the public-school authorities throughout the United States. It furnishes them the names and addresses of the declarants for citizenship and petitioners for naturalization, for the purpose of bringing these prospective citizens into contact at the earliest moment with the Americanizing influences of the public-school system and thereby contributing to the elevation of citizenship standards. By insuring comprehension of the true spirit of our institutions on the part of aliens admitted to citizenship the bureau may hope to make their acquisition serve as a strengthening influence upon the moral, social, political, and industrial qualities of those institutions.

Through reports from various public schools where courses in citizenship have been taken by aliens seeking naturalization the bureau aims to disseminate information throughout the public-school system. It thereby acts as a clearing house of information on civic instruction. Without relaxing its efforts at excluding unfit aliens from citizenship, it is endeavoring to stimulate preparation. Its

¹ Appendix E.

ideal in this respect is to promote the attainment by aliens of such qualifications for the citizenship they seek as will better fit them for its duties.

The Bureau has in its archives the duplicate of all naturalization papers issued by all of the courts exercising naturalization jurisdiction throughout the United States since the Federal supervision of the naturalization law was undertaken. These embrace the declaration of intention, the petition for naturalization, and the certificate of naturalization.

ARTICLE III.—ORGANIZATION OF NATURALIZATION SERVICE.

The bureau has a field force extending throughout the United States. The United States is divided into 11 districts, with a central headquarters in each district. These district headquarters are located at Boston, New York, Philadelphia, Washington, D. C., Pittsburgh, Chicago, St. Louis, St. Paul, Denver, San Francisco, and Seattle.

The territory of the United States by districts is as follows:

Boston.—Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island.

New York.—Northern, eastern, and southern New York, and Hudson County, N. J.

Philadelphia.—Eastern and middle districts of Pennsylvania, Delaware, and New Jersey (except Hudson County).

Washington, D. C.—Alabama, District of Columbia, Florida, Georgia, Kentucky (except counties of Campbell, Jefferson, and Kenton), Louisiana, Maryland (except counties of Allegany, Frederick, Garrett, and Washington), Mississippi, North Carolina, South Carolina, Tennessee (except Shelby County), Texas, and Virginia.

Pittsburgh.—Western Pennsylvania; western New York; West Virginia; Ohio; counties of Allegany, Frederick, Garrett, and Washington, Md.; and counties of Campbell and Kenton, Ky.

Chicago.—Southern Wisconsin; Indiana; northern Illinois; Jefferson County, Ky.; southern peninsula of Michigan; and Mackinac County, Mich.

St. Louis.—Arkansas; Oklahoma; Iowa; Missouri; Nebraska; Kansas; Shelby County, Tenn.; and southern Illinois.

St. Paul.—Minnesota, North Dakota, South Dakota, northern Wisconsin, and northern peninsula of Michigan (except Mackinac County).

Denver.—Colorado; New Mexico; Wyoming; Utah; and the counties of Bannock, Bear Lake, Bingham, Bonnevill, Custer, Franklin, Fremont, Jefferson, Lemhi, Madison, Oneida, and Power, Idaho.

San Francisco.—Arizona, California, and Nevada.

Seattle.—Washington, Oregon, Montana, and Idaho (except as otherwise assigned).

At each headquarters, there is located a chief examiner and a staff of examiners and the necessary number of clerks. The officers of this force travel throughout the respective districts, conducting

preliminary examinations of the fitness of all candidates for citizenship therein and appearing in the courts at the hearings of the petitions for naturalization, representing the Bureau of Naturalization at such hearings. The State courts in which the naturalization examiners appear represent the courts of the highest original jurisdiction in all the States. They also appear in the district courts of the United States throughout the country. In these courts the examiners uniformly conduct the hearings, examine the petitioners and the witnesses produced in support of the applications for naturalization upon any matter touching or in any way affecting their right of admission to citizenship, and call witnesses, produce evidence, and are heard upon all matters that tend to facilitate or to oppose the granting of petitions for naturalization.

ARTICLE IV.—NATURALIZATION RECORDS.

The bureau not only receives the duplicates of all naturalization papers filed or executed in or issued out of the courts exercising jurisdiction to naturalize aliens, but also receives from the clerks of such courts quarterly an accounting for all fees collected by them in naturalization proceedings. The bureau examines and audits the accounts of the clerks of courts making these remittances and causes the moneys so received to be deposited in the Treasury of the United States through the Disbursing Clerk, who renders an accounting therefor quarterly to the Auditor for the State and Other Departments.

The bureau also prepares and furnishes to the clerks of courts exercising naturalization jurisdiction the records which are required to be maintained by them as the records and dockets in naturalization proceedings. It furnishes the certificates of naturalization, consecutively numbered and printed on safety paper in accordance with the requirements of the law, to the clerks of the courts referred to.

In addition to examining the fiscal accounts of the clerks of courts the bureau also examines the duplicate declarations, petitions, and certificates, to determine that their issuance complies with the provisions of the law as to form and execution.

The bureau also receives and considers the applications for clerical assistance from clerks of courts whose fees exceed \$6,000 per annum, and upon its recommendation the Department authorizes such clerks of courts to employ additional clerical assistants as necessity indicates. These additional assistants are compensated out of the appropriation of the bureau provided for the maintenance of its field service.

There is also conducted with judges, district attorneys, clerks of courts, and other officers, and the general public a large correspondence dealing with various phases of the administration of the naturalization law.

IV. SERVICE REGULATIONS

ARTICLE I.—PERSONNEL.

CIVIL-SERVICE RULES.

SECTION 1. All matters affecting or concerning appointments and other changes of personnel within the Department shall be considered and disposed of in strict conformity with the civil-service act and the rules and Executive orders appurtenant thereto, particulars of which are set forth in the pamphlet published and reissued from time to time by the United States Civil Service Commission, entitled "Civil Service Act, Rules, and Executive Orders." All officers of the Department whose duties so require shall thoroughly familiarize themselves with the requirements thus laid down and at all times conform strictly thereto.

ARTICLE II.—WORKING TIME.

STATUTORY REQUIREMENTS.

SECTION 1. An act of Congress of March 15, 1898, provides that "It shall be the duty of the heads of the several executive departments, in the interest of the public service, to require of all clerks and other employees of whatever grade or class in the respective departments not less than seven hours of labor each day except Sundays and days declared public holidays by law or Executive order: *Provided*, That the heads of the departments may, by special order, stating the reason, further extend the hours of service of any clerk or employee in their departments, respectively; but in case of extension it shall be without additional compensation."

REGULATING HOURS.

SEC. 2. In compliance with the foregoing statutory requirements, the working hours in the Department, unless otherwise specially ordered, shall be from 9 a. m. to 4.30 p. m., with half an hour for luncheon, on all days of the week but Sunday, except from June 15 to September 15 of each year, when the hours on Saturday shall be from 9 a. m. to 1 p. m. without intermission for luncheon.¹

¹ Executive order of June 9, 1914, reads as follows: "It is hereby ordered that from June 15 to September 15 of each year, until further notice, four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays for all clerks and other employees of the Federal Government, wherever employed; and all Executive or other orders in conflict herewith, except the Executive order of April 4, 1904, relating to certain naval stations, are hereby revoked. Provided, however, that this order shall not apply to any bureau or office of the Government, or to any of the clerks or other employees thereof, that may for special public reasons be excepted therefrom by the head of the department having supervision or control of such bureau or office, or where the same would be inconsistent with the provisions of existing law. [Signed] Woodrow Wilson."

ARTICLE III.—LEAVES OF ABSENCE.**STATUTORY PROVISIONS.**

SECTION 1. Section 7 of the act approved March 15, 1898,¹ provides that "The head of any department may grant thirty days' annual leave with pay in any one year to each clerk or employee" and "that where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attention of such employee, or where his or her presence in the department would jeopardize the health of fellow clerks, and in exceptional and meritorious cases where a clerk or employee is personally ill and where to limit the annual leave in any one calendar year would work peculiar hardship, it may be extended, in the discretion of the Secretary, with pay, not exceeding thirty days in any one case in any one calendar year;" but that these provisions "shall not be construed to mean that so long as a clerk or employee is borne upon the rolls of the department in excess of the time herein provided for or granted that he or she shall be entitled to pay during the period of such excessive absence, but that the pay shall stop upon the expiration of the granted leave." The deficiency appropriation act approved July 7, 1898, provides that nothing previously enacted "shall be construed to prevent the head of any executive department from granting thirty days' annual leave with pay in any one year to a clerk or employee, notwithstanding such clerk or employee may have had during such year not exceeding thirty days' leave with pay on account of sickness as provided in" said acts. The legislative, executive, and judicial act approved February 24, 1899, provides that "the thirty days' annual leave of absence with pay in any one year to clerks and employees in the several executive departments authorized by existing law shall be exclusive of Sundays and legal holidays." The act providing for the organization of the Militia of the District of Columbia² provides that all officers and employees of the United States and of the District of Columbia who are members of the National Guard shall be entitled to leave of absence from their respective duties, without loss of pay or time, on all days of any parade or encampment ordered or authorized under the provisions of this act.³ Pursuant to the foregoing provisions of law the head of each bureau is authorized to grant annual leave with pay, not exceeding 30 days in each calendar year and, upon approval of the Secretary of Labor, an extension of leave not exceeding 30 days on account of sickness.

¹ 30 Stat. L., 316.

² 25 Stat. L., 779.

³ By the act of July 1, 1902 (32 Stat. L., 615), this provision is construed to cover all days of service which the National Guard, or any portion thereof, may be ordered to perform by the commanding general.

DEPARTMENT REGULATIONS.

SEC. 2.—1. Records to be kept in bureaus; time clerks.—Records of leaves of absence shall be kept in the chief clerk's office of each bureau of the Department; and a time clerk shall be designated to keep such records in each bureau. Leave shall be granted to employees of the Office of the Secretary upon approval of the Chief Clerk.

2. Interpretation of regulations.—Questions of interpretation of regulations governing leaves of absence and questions not covered by these regulations shall be submitted to the Chief Clerk for decision.

3. Application for leave.—Application for leave of absence shall be made upon a printed form applicable to all bureaus of the Department. A supply of these forms will be furnished by the Division of Publications and Supplies.

4. Form of application.—The form of application for leave of absence shall specify the beginning and ending (both dates inclusive) of the period for which such leave is desired. It must contain memoranda of all previous absences of the applicant during the calendar year then current, which memoranda shall be prepared and signed or initialed by the time clerk of the bureau. The application must bear the signature of the applicant, the recommendation of the chief of division or office in which the applicant is serving, and the approval of the chief of bureau.

5. Form of application for annual leave for less than a day.—Absence for a period less than a day may be granted upon an application form bearing the signature of the applicant, recommendation of the official in charge, and the approval of the chief or chief clerk of the bureau. A supply of these forms will be furnished by the Division of Publications and Supplies. Applications for annual leave must be made in advance, and all partial-day absences on annual leave will be charged in periods of 15 minutes and multiples thereof.

6. Record of absence.—A record of leaves of absence for each employee shall be kept by the time clerk of each bureau. Certified monthly reports of absence of all employees serving in or by direct detail from the District of Columbia will be made to the Secretary on the form provided for that purpose. All applications for leave shall be preserved by the time clerk of each bureau for a period of three years.

7. New employees.—Regular employees who have been in the service of the Department for less than a year, including those reinstated, may be granted annual and sick leave of absence at the rate of two and one-half days per month of service: *Provided, however,* That persons transferred from other departments may be

allowed transfer of accrued leave upon statement received from the department or bureau from which the transfer is made showing the amount of leave due at the time of transfer.

8. Probationary employees.—Probationary employees, after service of two months, may be granted leaves of absence at the rate of two and one-half days a month, computed from the date of beginning of appointment.

9. Temporary employees.—Temporary employees, after service of two months, may be granted leave of absence at the rate of two and one-half days a month, the whole period of duty to be considered in determining the amount to which said employee is entitled.

10. Per diem employees.—Per diem employees shall not be granted leave of absence with pay if their appointments state salary "for days actually employed," or if their employment is temporary. If per diem rate is simply a measure of salary and they are regularly and continuously employed without limitation, they are entitled to leave of absence the same as those with annual or monthly rates of salary.

11. Allowance of leave confined to current year.—Leaves of absence are not cumulative; employees who are unable to avail themselves of leave within the calendar year will not be entitled to it, or any portion thereof, in a subsequent year, nor will leave be granted to be used in one year and charged to a subsequent year.

12. Only accrued leave allowed on resignation, etc.—On separation from the Department by resignation, dismissal, or transfer, employees may be allowed only accrued leave at the rate of two and one-half days for each month of service since the first of the calendar year, but the Department will consider a recommendation for the waiver of this provision when the person concerned has been in the executive civil service for three years or more, or when there are especially meritorious reasons why an exception should be made.

13. Sundays and holidays.—Sundays and legal holidays and holidays by Executive order or other competent authority, whether for the whole or part of a day, at the beginning or end of any kind of leave, or within a period of annual leave, will not be counted as leave; but those which occur within (but not at the beginning or end of) a period of sick leave or leave without pay will be counted.

14. Saturday afternoons in summer.—Saturdays from June 15 to September 15, inclusive, will be charged as four hours in annual leave and as a whole day in sick and without-pay leave.

15. Office hours.—The hours of labor, unless otherwise specially ordered, shall begin at 9 o'clock a. m. and close at 4.30 p. m., with one-half hour between 12 m. and 1 p. m. for luncheon, the particular half hour within that period in the different bureaus or offices to be

designated by the chiefs thereof. All employees shall be required to strictly observe the office hours.

In the interests of the service, so that all the employees in important offices shall not be absent at the same time, chief clerks may vary the time for luncheon of different employees.

16. Distribution of leave.—In no case shall administrative officers recommend or approve the granting of leave on account of annual leave when to allow it will cause embarrassment to the service; and leave should be distributed or allotted to employees, if necessary, in the months when the work of the office will be least affected.

17. Leave revocable.—Leave of absence may be revoked at any time and the employee ordered to return to duty before its expiration should the exigencies of the service require it.

18. Application in advance.—Application must be made in advance of the date of the beginning of the leave on the blank form provided therefor by the Department, and no applicant for annual leave will be permitted to be absent from duty until notification has been received of the granting of the same.

19. Consecutive days only.—Application should be made for only the number of consecutive days desired.

20. Luncheon half hour deducted in partial-day absence.—The luncheon half hour is deducted from annual leave for part of a day when it occurs during the absence, as from 11 a. m. to 3 p. m., which should be charged as three and one-half hours and not as four hours.

21. Deduction from annual leave for absence without pay.—Proportionate deduction from annual leave shall be made at the rate of 1 day for each 12 days and multiples thereof of furlough or leave without pay.

22. No leave granted for less than 15 minutes.—Absence less than 15 minutes will be charged as 15 minutes; and absence in excess of 15 minutes will be charged in multiples of 15 minutes.

23. Time of departure and return of employee to be noted.—Any administrative officer who shall receive notification from the chief clerk of bureau that leave of absence has been granted to any employee under his supervision will note the exact time of the departure of such person and the exact time of his return to duty, and return application blank promptly to the chief clerk or time clerk of the bureau.

24. Conditions governing granting of sick leave.—Applications for sick leave must be submitted within five days after return to duty, and if the leave applied for exceeds three days the application must be supported by a certificate of the attending physician, who must be a duly authorized practitioner. Sick leave may be granted upon any one of the following conditions: (a) Where some member of the

immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee. (b) Where through exposure to contagious disease, whether in his own family or not, the employee's presence in the Department would jeopardize the health of fellow clerks. (c) In exceptional and meritorious cases where a clerk or employee is personally ill and where to limit the annual leave to 30 days in any one year would work peculiar hardship. Condition (c) is made up of a group of facts or circumstances which must combine to authorize the granting of leave on account of personal illness. The case must be (1) exceptional, (2) meritorious, and (3) such that a denial of the leave would work not ordinary but peculiar hardship. What will in this connection constitute an "exceptional" case, a "meritorious" case, and "peculiar hardship" can not be defined in any general rule, but must depend upon the exercise of a reasonable discretion in the consideration of the circumstances.

25. Sick leave may be granted before annual leave.—Extension of annual leave on account of sickness may be granted at any time during the year, even though no annual leave shall have been granted at the time of such extension.

26. Sick-leave applications.—Applications for extension of annual leave on account of sickness shall be prepared upon the form provided by the Department for that purpose and supported by a physician's certificate if the extension requested exceeds three days. Sick leave for three days or less shall also be supported by certificate of attending physician if one was employed; otherwise a brief statement indicating the absence of medical attention will be received and considered but not necessarily accepted. The limit of sick leave without medical certificate in support of the application shall not exceed 15 days per annum.

27. Not less than one-half day granted.—Sick leave will not be granted for less than one-half day; absence for less than one-half day shall be charged against annual leave.

28. Slight ailments.—Slight ailments or indisposition will not be accepted as sufficient cause for allowing sick leave; such absences should be charged to annual leave.

29. Absentees must report fact within 24 hours.—An employee absent on account of personal illness must immediately report the fact to the chief clerk of the bureau in which employed. If such report is not made within 24 hours, the time lost may be charged to annual leave or leave without pay.

30. Application must be made within five days.—Application for sick leave must be made within five days after the return of the employee to duty.

31. Quarantine.—When an employee has been exposed to a contagious disease against which the medical authorities quarantine the

patient he should immediately file with the chief clerk of the bureau in which employed a certificate from the attending physician, where one is engaged, stating that in his judgment the presence of the employee in the office would jeopardize the health of fellow clerks. Application for leave with pay for the time lost must be accompanied by a certificate of the attending physician certifying that all danger from contagion has passed.

32. Modifying annual leave to sick leave.—No modification of annual to sick leave will be made unless sickness begins on or before the first day of the period granted as annual leave, when the latter may be surrendered and sick leave granted instead under the usual limitations.

33. Deduction from allowance because of leave without pay.—Proportionate deduction from sick leave shall be made at the rate of 1 day for each 12 days and multiples thereof of furlough or leave without pay. This applies also to reinstated employees in regard to the period of their separation from the Department in the current year.

34. Investigation.—The chief of bureau shall carefully consider, in so far as allegations of actual sickness or exposure to contagion is concerned, the merits of every application for an extension of leave with pay beyond 30 days, and shall cause to be investigated those employees who habitually apply for excessive sick leave and report to the Secretary any abuse of the privilege.

35. Penalties for deception.—All employees will be held to a strict accountability for statements made by them of inability to perform duty. When sick leave has been granted and subsequent developments prove that it was obtained by misrepresentation it will be charged to leave without pay, even if the offender has annual leave still due. A second attempt to mislead or deceive official superiors, directly or indirectly, in regard to absence on account of alleged sickness will be deemed sufficient cause for dismissal.

36. Appointment terminated "without prejudice"; reinstatement.—When an employee has been absent for more than 60 days and there is no probability of his immediate return to duty, his appointment may be terminated "without prejudice." Such employee, however, will be eligible for reinstatement at any time within one year from the date of separation from the service.

37. Not a right, but a favor.—Leave without pay is not to be considered as a right. It may be allowed on account of sickness when the regular leave has been exhausted, but otherwise it will be granted only when, in the opinion of the Secretary, the public business will not suffer by the absence and when reasonable cause is shown, such as important business or emergencies of a serious nature.

38. **Applications.**—Applications for leave without pay must be filed on the form prescribed by the Department, and shall be forwarded with recommendation of the chief of bureau to the Secretary for approval. Applications for such leave for five days or more must include a statement of the reason.

39. **Deduction of pay for absence in excess of legal limit.**—Absence of employees in excess of the legal allowance with pay must be covered by an application for leave of absence without pay for one day or more, as no excess can be permitted without a deduction therefor. In the case of a deduction of a day's pay where the employee has not been absent an entire day, he may take the balance of the day's time without further deduction, subject to approval by the chief of bureau, provided the time is taken in the same year.

40. **Basis for deduction from annual and sick allowance.**—A proportionate deduction from allowance of both annual and sick leave shall be made at the rate of 1 day for each 12 days and multiples thereof of furlough or leave without pay in the current year. When an employee has taken the legal allowance of leave for the current year and for any reason is granted leave without pay, recovery will be made for such annual and sick leave as is unearned by virtue of the granting of said leave without pay, and application for leave without pay to modify the excess of leave already taken will be required. The initiative in the matter of making a recovery or deduction of salary in cases where excess leave has been granted should be taken by the head of the bureau or office in which the person is employed.

41. **Sunday between sick leave and leave without pay counted.**—When sick leave expires on (including) Saturday and the employee continues absent, beginning Monday following, on leave without pay, the intervening Sunday is charged without pay.

42. **Absence without leave.**—Immediate notification must be given to chief clerks of bureaus of all absence from duty for any cause without leave having been previously asked for and granted. Any employee who is absent without leave for any cause may also be required to explain to his immediate superior in writing, at the earliest practicable moment, the cause of his absence and of his failure to ask for permission to be absent. If it is found that he was absent upon insufficient cause, or if his failure to obtain permission to be absent is not satisfactorily accounted for, the time lost will be charged to leave without pay and such further action as may be deemed necessary will be taken. Avoidable or willful absence without leave is an offense against office discipline.

43. **Not less than one day granted.**—Leave without pay will not be granted for less than one day.

44. Military leave.—Military leave may be granted (a) to employees in Washington, D. C., who are members of the District National Guard and (b) to employees outside of Washington, D. C., who are members of the Organized Militia of the several States. The latter may be excused from duty without loss of pay or time in the event they can be spared without detriment to the service, such absence to be limited to annual encampments and regular parades. The law covering the granting of military leave is construed to include temporary as well as permanent employees. Application for such leave must be made in advance and must subsequently be supported by the certificate of a competent officer of the National Guard of which the employee is a member.

45. Court leave, as witnesses for the Government.—Employees who have been subpoenaed to attend court will be allowed special leave of absence with pay when serving as witnesses for the Government; otherwise such absences will be charged to annual leave or leave without pay. Evidence of attendance at court will be required.

46. Regulations applicable to field service.—The foregoing regulations are applicable, within legal limits and as far as practicable, to the field and station services connected with this Department outside of Washington, D. C.

47. While in transit from and to Porto Rico and Hawaii.—Employees on the islands of Porto Rico and Hawaii or other insular possessions visiting the United States proper on annual leave will not be charged for the time consumed in transit from and to the mainland.

48. Enforcement of regulations.—Chiefs of bureaus and all supervisory officials will be held strictly responsible and accountable for the enforcement of these leave regulations.

ARTICLE IV.—SALARIES.

ASSIGNMENTS OF SALARY.

SECTION 1.—1. Statutory authority.—An act of Congress approved June 17, 1910, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes" (36 Stat. L., 524), provides that "the Secretary of Commerce and Labor is hereby authorized, under such regulations as he may prescribe, to permit officers and employees of the several bureaus and divisions of the Department of Commerce and Labor to assign their salaries while absent from Washington, District of Columbia, and employed in the field." The force of this act is extended to the Department of Labor by sections 6 and 8 of its organic act.

2. Departmental permission.—In conformity with those provisions of law, officers and employees of the several bureaus and divisions of

the Department are permitted to make assignments of salaries to immediate members of their families or any persons dependent upon them for support or to recognized banking institutions for deposit to credit of the the employees' bank accounts.

3. **Approval.**—Such assignments must be approved by the Disbursing Clerk and may be revoked, upon his recommendation, for good and sufficient reasons.

4. **Assignment for debt prohibited.**—Under no circumstances will an assignment or any order for salary be approved or honored by the Disbursing Clerk when in the nature of an assignment or making over of salary for value received, or when made payable as security for a loan, or when made payable to loan brokers, loan companies, or agents thereof.

5. **Form.**—All assignments shall be made upon a form provided therefor, which must contain an express direction to the Disbursing Clerk to pay the salary of the employee to the person or institution therein mentioned. This assignment must be furnished in duplicate, and must be signed in duplicate by the person making the assignment and also by the person or officer of the institution to whom payment under the assignment is to be made. The two signatures are to be witnessed.

6. **Copies.**—One copy of the assignment so furnished shall be forwarded to the Auditor for the State and Other Departments for his information, and the other copy shall be retained in the office of the Disbursing Clerk.

7. **Mode of payment.**—Payment under an assignment must be made by check payable to the assignee. It shall contain on its face a statement of the purpose for which drawn and the name of the person on account of whom the payment is made, together with the words "Under assignment," in order that the payment may be fully identified in accounting offices of the Treasury Department.

ARTICLE V.—PRIVILEGES.

USE OF DEPARTMENT TELEPHONES FOR PERSONAL MESSAGES.

SECTION 1.—1. **Conditions.**—Employees may use the telephones in the several offices of the Department for the sending of important personal communications, whenever the telephones can be used without detriment to the expeditious transaction of official business, upon payment of the cost involved.

2. **Restrictions.**—This permission will be subject to such restrictions and regulations as are herein mentioned or may be made by the chief of each bureau or division to meet conditions peculiar to his office.

3. **Notice to operator.**—Each officer or clerk when making a call on personal business will notify the telephone operator that the call

is not on official business, and the operator will record the call and charge the amount thereof against the employee.

4. **Payment.**—All charges for telephone service must be paid to the telephone operator by the employee immediately after receiving salary at the beginning of each month. Neglect on the part of any employee to promptly pay tolls will result in such employee being debarred from the privilege hereby granted

5. **Abuses.**—Abuse of the privilege of using Department telephones, either as to frequency or length of communications, will result in a withdrawal of the privilege.

6. **Desk telephones.**—Officers having telephones on their desks will control the sending of private messages so as to avoid interference with official business, and shall be careful to notify the telephone operator when themselves making private calls.

7. **Holding line open.**—Telephones must not be held open while employees are called from another room to answer. The telephone operators and clerks having charge of telephones should receive the message or take the number of the calling station and send word to the employee as soon as it can be done without interference with the public business, but the holding of a line, except in cases of emergency, is prohibited.

USE OF LIBRARY OF THE BUREAU OF LABOR STATISTICS.

SEC. 2.—1. **Availability.**—The library of the Bureau of Labor Statistics shall be accessible to all employees of the Department in Washington upon the same terms as it is to the employees of that bureau.

2. **Final accounting.**—Before any employee of the Department in Washington who is separated from the service for any cause shall receive his final payment of salary, he shall obtain a clearance card from the librarian of the Bureau of Labor Statistics, the same to be presented to the Disbursing Clerk, and final payment of salary in such case shall not be made unless or until such clearance card shows that no books stand charged against the employee to whom the card is issued.

ARTICLE VI.—DEPARTMENT NEWS.

NEWS-RELEASE OFFICE.

SECTION 1. In order to permit of timely publication of Department news, without prejudice to public interests, a News-release Office under the supervision of the Assistant Secretary has been established. News material originating in any branch of the Department must pass through the News-release Office prior to its release for publication, except such as may be given out in field or station service, and over this the News-release Office is to maintain general supervision.

V. RECORDS AND ACCOUNTS

ARTICLE I.—CUSTOMHOUSE ACCOUNTS.¹

ACCOUNTS TO BE KEPT.

SECTION 1. Collectors and other officers of customs will maintain complete records in books provided for that purpose, showing the following data: (a) Form 701, record of consolidated accounts current covering transactions under the jurisdiction of the Department of Labor. (b) Form 711, record of seizures, fines, penalties, and forfeitures for violations of the immigration and Chinese-exclusion laws and dispositions thereof.

ACCOUNTS TO BE FORWARDED.

SEC. 2. Collectors and other officers of customs shall forward each month to the Department of Labor (Bureau of Immigration), accurate reports upon forms provided for that purpose and listed on Requisition Form 712, showing transactions as specified upon said blanks and set forth in the method prescribed in the instructions printed upon each form.

ARTICLE II.—EXPENSE ACCOUNTS.

TRAVEL.

SECTION 1. The following regulations shall govern the allowance of traveling expenses incurred for travel on official business, except where specific laws provide otherwise:

1. Employees traveling on official business are required to provide themselves with sufficient funds for all current expenses. If loss of time or extra expense results from lack of funds, such time will be charged to annual leave or deducted from salary, and no extra expense will be allowed. No subsistence charges will be allowed for such lost time.

2. No travel should be undertaken without previous authority issued in the regular manner by the proper administrative officer.

3. Traveling expenses which will be reimbursed by the department are confined to those expenses usual to the ordinary comforts of a traveler and include the following:

¹ See Appendix C, secs. 1, 3, 5, 8, 9, 15, 18, 19, and 38, act of Feb. 20, 1907; secs. 2, 10, and 11, act of July 5, 1884; secs. 9 and 11, act of Sept. 13, 1888; and sec. 8, act of May 5, 1892.

TRANSPORTATION.

SEC. 2.—4. Actual fares on railroads, steamboats, and other conveyances will be allowed. Special conveyance, such as livery or the hire of a boat, bicycle, motor cycle, or automobile in lieu of livery, is allowed only when no public or regular means of transportation are available or when such regular means of transportation can not be used as advantageously in the interest of the Government, in which case an explanation must accompany the reimbursement account and a subvoucher when practicable.

5. All travel must be by the shortest usually traveled route. The fare in no case must exceed the regular first-class limited fare charged the general public.

6. Where it is necessary to use an extra-fare train, full explanation must appear in the voucher, showing what official necessity required the use of transportation at excess rates.

7. Stopping over at any point or any detention en route, or any deviation from the shortest usually traveled route, must be satisfactorily explained. If due to exigencies of travel, such as changing cars, awaiting train accommodations, accidents, etc., and fully explained in the voucher, the additional expense will be allowed.

8. Deductions of all charges not properly payable by the United States will be made before payment. Where employees travel by circuitous routes for their own convenience or use expensive means of transportation for their own comfort, every doubt with reference to charges will be resolved against the employee.

9. Railroad tickets should be obtained at regular ticket offices. If transportation is purchased from conductors on trains, the employee must pay the extra cost, unless he furnishes satisfactory explanation.

10. Where extra-fare trains are used, the time of actual arrival of train at destination must be shown, in order that the Government may recover the penalty for lost time if any is provided in the tariff. The train number or name and time of leaving starting point must be given. Extra-fare refund slips should be turned in to the Department for redemption.

11. Points between which travel is performed and the date and hour of arrival at and departure from official station must be indicated in the voucher.

12. Employees are required to exercise care and judgment in the interest of economy in the purchase of transportation, whether it be obtained in exchange for cash or for transportation requests. Efforts should be made to take advantage of reduced rates for round trips when applicable to the travel to be performed; or of any special rates effective on the day of purchase. Whenever transportation is purchased at round-trip or other special rates, the voucher must so indicate.

If ticket is procured on a Government request, the round-trip or special rate should be noted on the duplicate request.

13. As a means of further reducing the cost of passenger transportation, the use of mileage tickets or scrip books and the various kinds of multiple-trip tickets is recommended. This recommendation is made dependent upon the character and frequency of travel and upon the requirements necessary in the proper care and handling of tickets.

14. Tickets described in paragraph 13 have a territorial and time limit, and with few exceptions are nontransferable. While a material saving in the cost of transportation is indicated in the low rate charged, the saving becomes a reality only when the individual purchaser is able to use the entire ticket within the time limit, since a refund on account of an unused portion is based upon the value of the portion used at the regular straight-ticket rates. If, after making necessary inquiries, it is found that mileage, scrip, or multiple-trip tickets can be used to advantage and with a saving to the Government, the administrative officer may authorize the purchase thereof.

15. Tickets of this character should always be obtained on transportation requests, and the traveler must describe the ticket on the face of the memorandum request by name, serial number, and ticket letter and number, and by the number of miles or trips it contains, and price.

16. A careful record of this class of ticket from its purchase until entirely used will be kept, and the traveler must indicate for each trip, in addition to the starting point and destination, transportation request number and the number of coupons pulled from mileage books and the money value of coupons pulled from scrip books in every voucher where any part of such books is used, and also the regular fare.

17. When a mileage book has been entirely used, the cover, if it has any redemption value, must be promptly turned over to the Disbursing Clerk, through the proper bureau or office, except in cases where it is necessary to surrender the cover with the last mileage used. In such cases, when the cover has a redemption value, the receipt obtained from the ticket agent, train auditor, or conductor should be turned in.

18. All unused tickets or parts of tickets purchased or obtained on Government requests for transportation must be promptly forwarded, with explanation, through the proper bureau or office, to the Disbursing Clerk, who will conduct all correspondence relative to refunds, etc. The description of the ticket must show starting point and destination.

19. If the traveler has surrendered his ticket to the conductor and desires to leave the train before reaching the destination indicated

on the ticket, he should request the return of the ticket from the conductor, who will show on the ticket where the traveler left the train. In case the conductor refuses to return the ticket, that fact should be reported when refund report is made.

20. Care should be taken to stop baggage that has been checked on the ticket at the same point where the traveler leaves the train. If, on account of change of route or other reason, baggage can not be intercepted and transferred and is carried through to destination on unused portion of ticket, full statement of facts should be made to the Disbursing Clerk at the time of transmitting the unused ticket.

21. Only one mileage or scrip book should be purchased on one transportation request.

SLEEPING AND PARLOR CAR ACCOMMODATIONS AND BERTHS ON STEAMERS.

SEC. 3.—22. One berth for each person or a seat in parlor car will be allowed. When especially authorized, or when the exigencies of travel require it, a full section or a stateroom may be allowed. Such charges must be accompanied by an explanation.

23. All charges for sleeping and parlor car accommodations must be supported by the berth or seat check, where such a check is issued.

24. Through sleeping or parlor car tickets must be obtained where possible.

25. The allowance is for either a lower or upper berth; the kind of berth actually obtained must be stated.

26. Berths in tourist sleepers must be described as such.

27. When using Government requests for transportation for parlor or sleeping car accommodations, the passenger's check must be attached to the memorandum request before it is transmitted to the Department.

28. Customary charges for stateroom accommodations, steamer chairs, and rugs will be allowed on steamers and other vessels.

29. Stateroom accommodations can be charged for only when fare on steamer does not include berth.

30. Where stateroom checks are issued, they must be attached to the voucher when paid for in cash or to memorandum request when obtained on a Government request.

STREET CARS, BUSSES, CARRIAGES, TAXICABS, ETC.

SEC. 4.—31. Reasonable charges for transportation by the usual means, such as street cars, busses, etc., will be allowed. If carriages or taxicabs are used, explanation showing impracticability of securing usual means of transportation must be furnished in support of charges therefor.

BAGGAGE.

SEC. 5.—32. Charges for transfer of baggage to and from home, hotel, depot, and wharves will be allowed at not to exceed the current rates charged by regular transfer companies.

33. Charges for “extra” or “excess” baggage will not be allowed except in cases where the extra weight consists of public property or private property to be used for public purposes. Such charges must be explained.

34. All baggage weighing in excess of the weight or of a size greater than transported free by transportation companies will be regarded as excess baggage.

35. Reasonable fees to baggagemen and to porters on arrival at and departure from homes, hotels, depots, and wharves or landings will be allowed for the handling of baggage. The nature of the service rendered shall be stated in every instance.

36. Checking baggage at hotels and depots will be allowed if accompanied by an explanation that checking baggage was for official business or that a saving of transfer charges was effected.

37. Where baggage is checked on a ticket which for any reason is not used, the baggage should be stopped and proper note made on the ticket by the officer of the transportation company.

38. If the baggage goes through on such a ticket, through negligence of the employee, the cost for transportation exacted by the transportation company will be charged against the employee.

FEES TO PORTERS, STEWARDS, ETC.

SEC. 6.—39. Fees to porters on sleeping and parlor or chair cars will be allowed not to exceed 25 cents a day of 24 hours or fraction of a day, or for each car used by the traveler.

40. Customary fees to stewards and others on ocean and coastwise steamers not to exceed in the aggregate on trans-Atlantic steamers, \$10; on the Pacific Ocean to or from Hawaii, not to exceed \$10; to or from China, Japan, or the Philippine Islands, not to exceed \$15; on coastwise steamers, not to exceed 50 cents a day: *Provided*, That fees to table stewards, or to cabin porters or cabin boys, on vessels for services rendered in connection with meals, will be included in computing the aggregate amount of subsistence expenses.

ACTUAL EXPENSES OF SUBSISTENCE.

SEC. 7.—41. Except as hereinafter provided, the actual and necessary expenses for subsistence while traveling on official business and away from home or official station must not exceed \$5 for any one day. The item “Subsistence” includes all traveling expenses except transportation and expenses incident thereto.

42. Under no circumstances will charges for meals or lodging be allowed which are taken at the employee's official station or home.

43. Charges for sleeping-car berths are transportation expenses and not expenses of subsistence. Charges for sleeping car and lodging for the same night must be fully explained.

44. Fees for actual dining-room service not to exceed 50 cents per day will be allowed within the legislative limit per day.

45. Receipts for lodging (European plan) or board and lodging (American plan) must be furnished, unless impracticable to obtain them, in which case full explanation to that effect should be indicated in voucher. Receipts must show dates for which the charge is made and indicate the beginning and termination of the period by name of meal or lodging.

46. Where receipt covers fractional parts of a day with charges at per day rates, the receipt must show the proportion of daily rate charged for meals and lodging.

47. Receipts will not be required for meals except where included with lodging on the American plan.

48. Charges for alcoholic liquors or cigars will not be allowed.

49. When computing the daily expenditures for subsistence, the day will begin with breakfast and end with the lodging of that day.

50. When away from official station, employees may be allowed reimbursement for baths actually taken not to exceed one per day of 24 hours, and at a cost of not to exceed 50 cents each. Receipts for such expenditures will be required in each case.

51. Charges for baths will not be allowed when room with bath at hotel is taken.

PER DIEM IN LIEU OF SUBSISTENCE.

SEC. 8.—52. Section 13 of the sundry civil act approved August 1, 1914, provides:

That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding \$4 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law.

Under the provisions of this act all persons engaged in field work or traveling on official business of the Department outside of the District of Columbia and away from their designated posts of duty will be allowed \$4 per diem in lieu of subsistence. This shall not apply to employees in district No. 1 of the Immigration Service during such periods as they may be temporarily assigned to another station within the district for relief duty. Actual expenses of subsistence will be reimbursed employees so assigned.

For the purpose of computing the per diem allowance, the calendar day beginning at midnight and ending at the next succeeding midnight will govern, \$4 being allowed for each full calendar day the traveler is absent. Actual expenses of subsistence will be allowed for fractional parts of days at the beginning and end of a trip and per diem for all calendar days intervening.

The cost of lodging will be regarded as pertaining to the day in which the night for which the lodging was procured began.

The following illustration will explain the method to follow in submitting vouchers for subsistence:

If traveler left official station on August 1 at 3 p. m. and returned August 6 at 3 p. m., he would claim actual expenses for supper and lodging on August 1, per diem for August 2 to 5, inclusive, and actual expenses for breakfast and dinner on August 6.

53. The per diem will include all expenses except transportation and expenses incident thereto.

54. Per diem will in no case be allowed at the official station of the employee. The place of official station is fixed either by the law or the certificate of appointment.

55. The limits of the official station are the territorial limits of the city where the official station of the employee is located, except that, in the case of officers and employees in the Immigration Service who are designated to inspect alien passengers upon trains and vessels entering the United States from contiguous foreign territory, their official stations will include the territory necessarily traversed in making such inspections.

56. The hour of departure from and return to official station must be shown for each trip.

57. Hour of departure or arrival is hour at which the train, boat, or other conveyance used by an employee leaves or arrives at its regular terminal at the official station.

58. Employees in the field will be allowed per diem for Sundays and legal holidays while on duty away from their official stations.

59. When a leave of absence commences on Monday or terminates on Saturday, or is preceded or followed by a legal holiday, employees are not entitled to per diem in lieu of subsistence for such preceding and succeeding Sundays and holidays unless they were actually on duty at their places of assignment, which fact must be stated after the last item of expense has been entered in the voucher.

60. Employees traveling on steamers where the cost of ticket includes meals and stateroom accommodations will not be entitled to per diem in lieu of subsistence for the time they are on such steamers. In case of travel of this kind the time of departure and arrival of steamer must be shown.

GOVERNMENT REQUESTS FOR TRANSPORTATION.

SEC. 9.—61. Government requests for transportation issued by the Department must be used only for travel on official business of the Department, and should be used in every case when cost of transportation exceeds \$1.

62. Separate transportation requests must be issued for the transportation of each regular employee. Departing officers may obtain transportation for aliens, attendants, matrons, and guards on the same request issued for their own transportation except in cases where the attendants, matrons, or guards will submit expense vouchers in their own names. In such instances separate transportation requests should be issued for each attendant, matron, or guard, who will submit a separate voucher.

63. Requests generally will be honored for travel over all the railroads in the United States and on steamship lines within the United States and those leaving United States ports. They may also be used to obtain accommodations in sleeping and parlor cars.

64. When through tickets are on sale they should be obtained, except when rates more advantageous to the Government may be otherwise secured or when stop-overs are to be made on official business.

65. When stop-overs are to be made on official business and stop-over privileges are not included in a regular ticket, separate requests will be issued for each portion of a journey.

66. Route journeys only when some substantial interest of the Government is subserved thereby.

67. Either fill in or rule out all spaces in the form.

68. Separate requests should be made for sleeping-car, parlor-car, and other accommodations not furnished on regular tickets for transportation.

69. Round-trip tickets should be procured when practicable.

70. The name of the appropriation from which cost of travel is properly payable should be indicated on the reverse of each request for transportation and also in the center of memorandum copy.

71. As the copy of request serves as a very important administrative record, care must be exercised that such copy is legible when forwarded and that the amount of the charge is correctly stated.

72. Each employee using a Government transportation request should state that fact in his monthly expense account under the date of its use, giving the number of the request, the points between which and the names of the railroads over which the travel is made, and the price of the ticket furnished. The price of the ticket should not be carried to the amount column in the voucher.

73. All requests spoiled or canceled for any reason should be at once transmitted to the Department for proper record, accompanied by the copy, and that fact noted on the stub.

74. When sleeping-car berths for more than one person are obtained on Government requests, the requests and memorandum copies should show how many berths and the kind of berths furnished.

75. When parlor-car seats are obtained the request and memorandum copy should show that fact.

76. Passenger checks for seat or berth must be forwarded attached to the memorandum copy of the Government request.

77. On most railroads children under 5 years are carried free, while half fare only is charged for children between the ages of 5 and 12. If tickets of greater value than necessary are purchased, a recovery of excess paid will be made from the employee who issued the request.

78. Great care should be exercised that transportation requests are not lost or stolen, as transportation companies accepting Government requests in good faith are entitled to reimbursement for transportation furnished thereon; and if used by unauthorized persons, the employee whose neglect makes possible the unauthorized or fraudulent use will be compelled to reimburse the United States for such transportation.

79. Unused portions of tickets secured on requests should be forwarded through the proper bureau to the Disbursing Clerk for redemption. A letter of explanation should accompany the unused portion of ticket.

80. Travelers leaving trains short of destination of ticket, after having surrendered ticket or a coupon for an unused part of trip, must notify train conductor to make proper notation thereon, "Off at —— station." In case of surrender of ticket the form and ticket number and name of issuing line must be obtained from conductor and reported with the facts to the Disbursing Clerk. Pullman conductor must be notified when accommodations are vacated short of destination for which paid, and report of the fact must accompany unused transportation or Pullman passenger checks.

81. Where Government requests for transportation are used for travel which involve no other charges to be reimbursed by the Government, and therefore the employee will submit no expense account, the reverse of the memorandum transportation request forwarded to the Department must contain the approval in writing of the administrative officer under whose direction the travel was performed.

82. Where a Government request is used for obtaining tickets for persons other than the one signing the request, the names of such

travelers, followed by proper designation and kind of ticket secured, must be written on the back of the original and memorandum copies of the request; also the ages of those traveling at half fare or free. Sample:

John Smith, inspector, round trip.
Harry Brown, attendant, single trip.
Mary Jones, matron, round trip.
H. Hasewaga, alien, single trip.
Barbara Hasewaga, alien, single trip.
Mika Hasewaga, alien, one-half fare (10 years).
Rosina Hasewaga, alien, free (4 years).

83. Where mileage or scrip books are purchased on Government request, only one book should be obtained on each request. When purchased for future use (subsequent to current month of issue) the memorandum copy should be promptly forwarded to the Disbursing Clerk. Request should describe character of mileage or scrip, giving serial letter and number of book, total number of miles and cost, and refund value of cover. If no refund, indicate thus: "\$20 flat rate."

84. In each voucher where mileage or scrip of such a book is used, the request number must be stated for each trip.

85. The numbers of coupons pulled for each trip must be given. Travelers are required to assure themselves that the correct number of coupons are detached by conductors or agents. In case of errors the facts should be reported to the Disbursing Clerk, giving name of railroad and number of train and date (or name of railroad and title and location of agent) and form and number of tickets issued.

86. Where several books are used for travel reported in one voucher, the entry should be so made that the book from which scrip or mileage is taken and the number of request on which book was secured can be readily ascertained.

87. Covers of mileage books having a redemption value and all unused mileage and scrip must be turned in, through the proper bureau or office, to the Disbursing Clerk for redemption.

88. Where regular railroad fare for either one-way or round-trip tickets is less than will be paid by use of mileage, regular tickets must be purchased.

89. Properly used unexpired mileage exchange orders of the Central Passenger Association left in the possession of the Government owing to the resignation, transfer, illness, or death of an employee, upon presentation to the mileage bureau through the disbursing office in connection with a certificate issued by the selling agent containing a reference to the date of sale, issuing office, form, and number of a mileage exchange order purchased for a substituted representative after the last trip

made by the retiring employee will be redeemed by an allowance to the Government of a \$2.50 rebate plus 2½ cents per mile for the unused coupons.

90. A certificate in conformity with the above should accompany the unused portion and cover to the Disbursing Clerk as the basis for the redemption claim.

TELEGRAPH.

SEC. 10.—91. All employees will be furnished upon request with telegraph identification cards of both the Postal and Western Union Companies, which should be used in connection with all telegrams relating to official business. When these cards are used no payment at time of sending or receiving is necessary.

92. Where the employees of telegraph companies refuse to recognize a telegraph identification card, the telegram should be paid for, a copy of the telegram properly receipted for the amount paid attached to the voucher to support the charge, and a statement made that telegraph identification cards were not recognized.

93. Expenses for telegrams relating to leave of absence, payment of salary, and expense vouchers, or any matter of a personal nature, will not be allowed, and such telegrams must be paid for by the employee.

94. In preparing telegrams care should be observed that all unnecessary words, initials, and figures in the address and body, and also in the signature thereof, are omitted.

95. The telegraph should be resorted to only in cases of emergency or when especially instructed to use that means of communication. If this rule is violated, the cost of the telegram will be charged against the employee responsible for sending the message.

96. Payment for telegrams must be made only at the rates shown in schedule of rates prescribed by the Postmaster General and shown in the following table. If for any reason a message could be transmitted cheaper at commercial rates, those rates should be used.

Government rates for 20 words and multiples of 20, together with tolls for additional words.

Words.	Day messages when rate is—					Night messages when day rate is—	
	20 cents.	25 cents.	30 cents.	35 cents.	40 cents.	20, 25, or 30 cents night rate is—	35 or 40 cents night rate is—
20 words.....	\$0.20	\$0.25	\$0.30	\$0.35	\$0.40	\$0.15	\$0.25
40 words.....	.40	.50	.60	.70	.80	.35	.45
60 words.....	.60	.75	.90	1.05	1.20	.55	.65
80 words.....	.80	1.00	1.20	1.40	1.60	.75	.85
100 words.....	1.00	1.25	1.50	1.75	2.00	.95	1.05
200 words.....	2.00	2.50	3.00	3.50	4.00	1.95	2.05
300 words.....	3.00	3.75	4.50	5.25	6.00	2.95	3.05
400 words.....	4.00	5.00	6.00	7.00	8.00	3.95	4.05
500 words.....	5.00	6.25	7.50	8.75	10.00	4.95	5.05
Additional words:							
1.....	.01	.01	.02	.02	.02	.01	.01
2.....	.02	.03	.03	.04	.04	.02	.02
3.....	.03	.04	.05	.05	.06	.03	.03
4.....	.04	.05	.06	.07	.08	.04	.04
5.....	.05	.06	.08	.09	.10	.05	.05
6.....	.06	.08	.09	.11	.12	.06	.06
7.....	.07	.09	.11	.12	.14	.07	.07
8.....	.08	.10	.12	.14	.16	.08	.08
9.....	.09	.11	.14	.16	.18	.09	.09
10.....	.10	.13	.15	.18	.20	.10	.10
11.....	.11	.14	.17	.19	.22	.11	.11
12.....	.12	.15	.18	.21	.24	.12	.12
13.....	.13	.16	.20	.23	.26	.13	.13
14.....	.14	.18	.21	.25	.28	.14	.14
15.....	.15	.19	.23	.26	.30	.15	.15
16.....	.16	.20	.24	.28	.32	.16	.16
17.....	.17	.21	.26	.30	.34	.17	.17
18.....	.18	.23	.27	.32	.36	.18	.18
19.....	.19	.24	.29	.33	.38	.19	.19

NOTE.—When the message contains less than 20 words charge is made for 20 words.

Rates for United States Government messages of 20 words or less, counting address, body words, and signature.

	State or Territory.	Alabama.	Arizona.	Arkansas.	California.	Colorado.	Connecticut.	Delaware.	District of Columbia.	Florida.	Georgia.	Idaho.	Illinois.	Indiana.	Iowa.	Kansas.	Kentucky.
1	Alabama.....	20	30	20	40	25	25	20	20	20	20	35	20	20	20	20	20
2	Arizona.....	30	20	25	20	25	40	40	35	30	30	30	30	30	30	25	30
3	Arkansas.....	20	25	20	35	20	25	25	25	20	20	30	20	20	20	20	20
4	California.....	40	20	35	20	25	40	40	40	40	40	25	35	35	30	30	35
5	Colorado.....	25	25	20	25	20	30	30	30	30	30	20	20	25	20	20	25
6	Connecticut.....	25	40	25	40	30	20	20	20	25	20	40	25	20	25	25	20
7	Delaware.....	20	40	25	40	30	20	20	20	25	20	40	20	20	25	25	20
8	District of Columbia.....	20	35	25	40	30	20	20	20	20	20	40	20	20	25	25	20
9	Florida.....	20	30	20	40	30	25	25	20	20	20	40	20	20	25	25	20
10	Georgia.....	20	30	20	40	30	20	20	20	20	20	35	20	20	20	20	20
11	Idaho.....	35	30	30	25	20	40	40	40	40	35	20	30	30	25	25	35
12	Illinois.....	20	30	20	35	20	25	20	20	20	20	30	20	20	20	20	20
13	Indiana.....	20	30	20	35	25	20	20	20	20	20	30	20	20	20	20	20
14	Iowa.....	20	30	20	30	20	25	25	25	25	20	25	20	20	20	20	20
15	Kansas.....	20	25	20	30	20	25	25	25	25	20	25	20	20	20	20	20
16	Kentucky.....	20	30	20	35	25	20	20	20	20	20	35	20	20	20	20	20
17	Louisiana.....	20	30	20	35	25	30	25	25	20	20	35	20	20	25	20	20
18	Maine.....	25	40	30	40	35	20	20	20	25	25	40	25	25	30	30	25
19	Maryland.....	20	40	25	40	30	20	20	20	20	20	40	20	20	25	25	20
20	Massachusetts.....	25	40	25	40	35	20	20	20	25	25	40	25	20	25	30	25
21	Michigan.....	20	35	20	35	25	20	20	20	25	20	35	20	20	20	20	20
22	Minnesota.....	25	30	20	35	20	25	25	25	25	25	30	20	20	20	20	20
23	Mississippi.....	20	25	20	35	25	25	25	25	20	20	35	20	20	20	20	20
24	Missouri.....	20	30	20	35	20	25	25	25	20	20	30	20	20	20	20	20
25	Montana.....	35	35	30	25	20	35	35	35	40	35	20	30	30	25	25	30
26	Nebraska.....	20	30	20	30	20	25	25	25	25	25	25	20	20	20	20	20
27	Nevada.....	40	25	35	20	25	40	40	40	40	40	25	35	35	30	30	35
28	New Hampshire.....	25	40	25	40	35	20	20	20	25	25	40	25	20	25	30	25
29	New Jersey.....	20	40	25	40	30	20	20	20	25	20	40	20	20	25	25	20
30	New Mexico.....	25	20	25	25	20	35	35	35	30	30	25	25	25	25	20	25
31	New York.....	25	40	25	40	30	20	20	20	25	25	40	20	20	25	25	20
32	North Carolina.....	20	35	20	40	30	20	20	20	20	20	40	20	20	25	25	20
33	North Dakota.....	30	35	25	30	25	30	30	30	30	30	25	20	25	20	20	25
34	Ohio.....	20	35	20	40	25	20	20	20	20	20	35	20	20	20	20	20
35	Oklahoma.....	20	25	20	30	20	30	30	25	25	20	30	20	20	20	20	20
36	Oregon.....	40	30	35	20	25	40	40	40	40	40	20	35	35	30	30	40
37	Pennsylvania.....	20	40	25	40	30	20	20	20	20	20	40	20	20	25	25	20
38	Rhode Island.....	25	40	25	40	35	20	20	20	25	25	40	25	20	25	30	25
39	South Carolina.....	20	35	20	40	30	20	20	20	20	20	40	20	20	25	25	20
40	South Dakota.....	25	35	25	35	20	30	30	30	30	25	30	20	20	20	20	25
41	Tennessee.....	20	30	20	35	25	25	20	20	20	20	35	20	20	20	20	20
42	Texas.....	20	25	20	30	20	30	30	30	20	20	30	20	25	20	20	25
43	Utah.....	30	30	25	20	20	35	35	35	35	35	20	25	30	25	25	30
44	Vermont.....	25	40	25	40	35	20	20	20	25	25	40	25	20	25	30	25
45	Virginia.....	20	35	25	40	30	20	20	20	20	20	40	20	20	25	25	20
46	Washington.....	40	30	35	20	30	40	40	40	40	40	20	35	40	35	35	40
47	West Virginia.....	20	35	20	40	25	20	20	20	20	20	35	20	20	20	20	20
48	Wisconsin.....	20	30	20	35	25	25	20	20	25	20	30	20	20	20	20	20
49	Wyoming.....	30	25	25	25	20	30	30	30	30	30	20	20	25	20	20	25

Rates for United States Government messages of 20 words or less, counting address, body words, and signature—Continued.

State or Territory.	Louisiana.	Maine.	Maryland.	Massachusetts.	Michigan.	Minnesota.	Mississippi.	Missouri.	Montana.	Nebraska.	Nevada.	New Hampshire.	New Jersey.	New Mexico.	New York.	North Carolina.
1 Alabama.....	20	25	20	25	20	25	20	20	35	20	40	25	20	25	25	20
2 Arizona.....	30	40	40	40	35	30	25	30	35	30	25	40	40	20	40	35
3 Arkansas.....	20	30	25	25	20	20	20	20	30	20	35	25	25	25	25	20
4 California.....	35	40	40	40	35	35	35	35	25	30	20	40	40	25	40	40
5 Colorado.....	25	35	30	35	25	20	25	20	20	20	25	35	30	20	30	30
6 Connecticut.....	30	20	20	20	20	25	25	25	35	25	40	20	20	35	20	20
7 Delaware.....	25	20	20	20	20	25	25	25	35	25	40	20	20	35	20	20
8 District of Columbia.....	25	20	20	20	20	25	25	25	35	25	40	20	20	35	20	20
9 Florida.....	20	25	20	25	25	25	20	20	40	25	40	25	25	30	25	20
10 Georgia.....	20	25	20	25	20	25	20	20	35	25	40	25	20	30	25	20
11 Idaho.....	35	40	40	40	35	30	35	30	20	25	25	40	40	25	40	40
12 Illinois.....	20	25	20	25	20	20	20	20	30	20	35	25	20	25	20	20
13 Indiana.....	20	25	20	20	20	20	20	20	30	20	35	20	20	25	20	20
14 Iowa.....	25	30	25	25	20	20	20	20	25	20	30	25	25	25	25	25
15 Kansas.....	20	30	25	30	20	20	20	20	25	20	30	30	25	20	25	25
16 Kentucky.....	20	25	20	25	20	20	20	20	30	20	35	25	20	25	20	20
17 Louisiana.....	20	30	25	30	25	25	20	20	35	25	35	30	25	25	30	25
18 Maine.....	30	20	20	20	20	25	30	25	35	30	40	20	20	35	20	20
19 Maryland.....	25	20	20	20	20	25	25	25	35	25	40	20	20	35	20	20
20 Massachusetts.....	20	20	20	20	25	25	25	20	35	30	40	20	20	35	20	20
21 Michigan.....	20	20	20	20	20	20	20	21	30	20	35	20	20	30	20	20
22 Minnesota.....	25	25	25	20	20	25	20	22	25	20	35	25	25	25	25	25
23 Mississippi.....	30	25	25	20	25	20	20	23	35	20	35	30	25	25	25	20
24 Missouri.....	25	25	25	20	20	20	20	24	30	20	30	25	25	25	25	25
25 Montana.....	35	35	35	30	35	35	30	25	20	25	25	35	35	25	35	35
26 Nebraska.....	30	25	30	20	20	20	20	26	25	20	30	30	25	20	25	25
27 Nevada.....	40	40	40	35	35	35	30	27	25	30	20	40	40	25	40	40
28 New Hampshire.....	20	20	20	25	30	25	28	35	30	40	20	20	35	20	20	20
29 New Jersey.....	20	20	20	25	25	25	29	35	25	40	20	20	20	35	20	20
30 New Mexico.....	35	35	35	30	25	25	30	25	20	25	35	35	20	35	35	35
31 New York.....	20	20	20	20	25	25	25	31	35	25	40	20	20	35	20	20
32 North Carolina.....	20	20	20	20	25	20	25	32	35	25	40	20	20	35	20	20
33 North Dakota.....	30	30	30	25	20	25	20	33	20	20	30	30	30	30	30	30
34 Ohio.....	20	20	20	20	20	20	20	34	30	20	35	20	20	30	20	20
35 Oklahoma.....	30	25	30	25	20	20	20	35	30	20	30	30	30	20	30	20
36 Oregon.....	40	40	40	40	30	40	35	36	20	30	20	40	40	30	40	25
37 Pennsylvania.....	20	20	20	20	25	25	20	37	35	25	40	20	20	30	20	20
38 Rhode Island.....	20	20	20	20	25	25	25	38	40	30	40	20	20	35	20	20
39 South Carolina.....	25	20	20	20	25	20	20	39	35	25	40	20	20	30	20	20
40 South Dakota.....	30	30	30	25	20	25	20	40	25	20	35	30	30	25	30	30
41 Tennessee.....	25	20	25	20	20	20	20	41	30	20	35	25	20	25	25	20
42 Texas.....	35	30	30	25	25	20	20	42	30	20	35	30	30	25	30	25
43 Utah.....	40	35	40	30	25	30	25	43	20	20	20	40	35	20	35	35
44 Vermont.....	20	20	20	20	25	30	25	44	35	30	40	20	20	35	20	20
45 Virginia.....	20	20	20	20	25	20	25	45	35	25	40	20	20	35	20	20
46 Washington.....	40	40	40	40	30	40	35	46	20	30	20	40	40	30	40	40
47 West Virginia.....	25	20	20	20	20	20	20	47	30	20	40	20	20	30	20	20
48 Wisconsin.....	25	20	25	20	20	20	20	48	25	20	35	25	20	25	20	25
49 Wyoming.....	35	30	35	25	20	25	20	49	20	20	25	35	30	20	30	30

Rates for United States Government messages of 20 words or less, counting address, body words, and signature—Continued.

	State or Territory.	North Dakota.	Ohio.	Oklahoma.	Oregon.	Pennsylvania.	Rhode Island.	South Carolina.	South Dakota.	Tennessee.	Texas.	Utah.	Vermont.	Virginia.	Washington.	West Virginia.	Wisconsin.	Wyoming.
1	Alabama.....	30	20	20	40	20	25	20	25	20	20	30	25	20	40	20	20	30
2	Arizona.....	35	35	25	30	40	40	35	35	30	25	30	40	35	30	35	30	25
3	Arkansas.....	25	20	20	35	25	25	20	25	20	20	25	25	25	25	20	20	25
4	California.....	30	40	30	20	40	40	40	35	35	30	20	40	40	20	40	35	25
5	Colorado.....	25	25	20	25	30	35	30	20	25	20	35	30	20	30	25	25	20
6	Connecticut.....	30	20	30	40	20	20	20	30	25	30	35	20	20	40	20	25	30
7	Delaware.....	30	20	30	40	20	20	20	30	20	30	35	20	20	40	20	20	30
8	District of Columbia.....	30	20	25	40	20	20	20	30	20	30	35	20	20	40	20	20	30
9	Florida.....	30	20	25	40	20	25	20	30	20	20	35	25	20	40	20	25	30
10	Georgia.....	30	20	20	40	20	25	20	25	20	20	35	25	20	40	20	20	30
11	Idaho.....	25	35	30	20	40	40	40	30	35	30	20	40	40	20	35	30	20
12	Illinois.....	20	20	20	35	20	25	20	20	20	20	25	25	20	35	20	20	20
13	Indiana.....	25	20	20	35	20	20	20	20	20	25	30	20	20	40	20	20	25
14	Iowa.....	30	20	20	30	25	25	25	20	20	20	25	25	25	35	20	20	20
15	Kansas.....	20	20	20	30	25	30	25	20	20	20	25	30	25	35	20	20	20
16	Kentucky.....	25	20	20	40	20	25	20	25	20	25	30	25	20	40	20	20	25
17	Louisiana.....	30	20	20	40	25	30	20	25	20	20	30	30	25	40	25	20	25
18	Maine.....	30	20	30	40	20	20	25	30	25	35	40	20	20	40	25	25	35
19	Maryland.....	30	20	25	40	20	20	20	30	20	30	35	20	20	40	20	20	30
20	Massachusetts.....	30	20	30	40	20	20	20	30	25	30	40	20	20	40	20	25	35
21	Michigan.....	25	20	25	40	20	20	20	25	20	25	30	20	20	40	20	20	25
22	Minnesota.....	20	20	20	30	25	25	25	20	20	25	25	25	25	30	20	20	20
23	Mississippi.....	25	20	20	40	25	25	20	25	20	20	30	30	20	40	20	20	25
24	Missouri.....	20	20	20	35	20	25	20	20	20	20	25	25	25	35	20	20	20
25	Montana.....	20	30	30	20	35	40	35	25	30	30	20	35	35	20	30	25	20
26	Nebraska.....	20	20	20	30	25	30	25	20	20	20	20	30	35	25	30	20	20
27	Nevada.....	30	35	30	20	40	40	40	35	35	35	20	40	40	20	40	35	25
28	New Hampshire.....	30	20	30	40	20	20	20	30	25	30	40	20	20	40	20	25	35
29	New Jersey.....	30	20	30	40	20	20	20	30	20	30	35	20	20	40	20	20	30
30	New Mexico.....	30	30	20	30	30	35	30	25	25	25	20	35	35	30	30	25	20
31	New York.....	30	20	30	40	20	20	20	30	25	30	35	20	20	40	20	20	30
32	North Carolina.....	30	20	25	40	20	20	20	30	20	25	35	20	20	40	20	25	30
33	North Dakota.....	20	25	25	25	30	30	30	20	25	25	25	30	30	25	25	20	25
34	Ohio.....	25	20	20	40	20	20	20	25	20	25	30	20	20	40	20	20	25
35	Oklahoma.....	25	20	20	35	25	30	25	20	20	20	25	30	25	35	25	20	20
36	Oregon.....	25	40	35	20	40	40	40	30	40	35	20	40	40	20	40	35	25
37	Pennsylvania.....	30	20	25	40	20	20	20	25	20	30	35	20	20	40	20	20	30
38	Rhode Island.....	30	20	30	40	20	20	20	30	25	30	40	20	20	40	20	25	35
39	South Carolina.....	30	20	25	40	20	20	20	30	20	25	35	25	20	40	20	20	30
40	South Dakota.....	20	25	20	30	25	30	30	20	25	25	25	30	30	30	25	20	20
41	Tennessee.....	25	20	20	40	20	25	20	25	20	20	30	25	20	40	20	20	25
42	Texas.....	25	25	20	35	30	30	25	25	20	20	25	30	30	35	25	25	25
43	Utah.....	25	30	25	20	35	40	35	25	30	25	20	40	35	25	30	25	20
44	Vermont.....	30	20	30	40	20	20	25	30	25	30	40	20	20	40	20	25	35
45	Virginia.....	30	20	25	40	20	20	20	30	20	30	35	20	20	40	20	20	30
46	Washington.....	25	40	35	20	40	40	40	30	40	35	25	40	40	20	40	35	25
47	West Virginia.....	25	20	25	40	20	20	20	25	20	25	30	20	20	40	20	20	25
48	Wisconsin.....	20	20	20	35	20	25	20	20	20	25	25	25	20	35	20	20	20
49	Wyoming.....	25	25	20	25	30	35	30	20	25	25	20	35	30	25	25	20	20

97. In a prepaid message the undermentioned words will be counted and charged for, viz:

The address and signature.

All words in an extra date.

In the check the words "Deliver and report charges," "Collect delivery charges," "Report delivery," and "Repeat back."

In collect messages the word "Collect" in the check will be counted but will not be charged for.

98. When a message bears two or more addresses and delivery is to be made to each address, it will be charged for as two or more messages, as the case may be. A message addressed, for example, to "W. Brown, 197 Broadway, and B. Wells, 60 Exchange Place, N. Y.," or a message addressed, for example, to "W. Brown and B. Wells, 197 Broadway," will in each case be charged for as two messages. A message addressed to "J. B. Jackson and S. B. Smith, Senate Chamber, Washington, D. C.," will be charged for as two messages. The additional addresses will not be considered as extra words.

In counting a message, dictionary words, initial letters, surnames of persons, names of cities, towns, villages, States, or Territories, or names of the Canadian Provinces, will be counted and charged for each as one word. The abbreviations for the names of cities, towns, villages, States, Territories, and Provinces will be counted and charged for the same as if written in full. In names of countries or counties all the words will be counted and charged for.

99. Abbreviations of weights and measures in common use will be counted each as a word.

100. To prevent liability to error and reduce cost, numbers and amounts should be written in words.

101. In ordinal numbers the affixes st, d, nd, rd, and th will each be counted as one word.

102. Figures, decimal points and bars of division, and letters (except the pronounceable groups covered by the following paragraph) will be counted, each separately, as one word.

103. All pronounceable groups of letters, when such groups are not dictionary words or combinations of dictionary words, will be counted at the rate of five letters or fractions of five letters to a word. When such groups are made up of combinations of dictionary words, each dictionary word so used will be counted as one word.

104. The following example will illustrate the application of these rules:

Words.		Words.	
Van Dorne.....	1	Brown, jr.....	2
McGregor.....	1	New York (or N. Y.).....	1
O'Connor.....	1	New York State.....	2
DeWitt.....	1	Nova Scotia (or N. S.).....	1

	Words.		Words.
St. Louis.....	1	Amaurecis.....	2
East St. Louis.....	1	Adbantia.....	2
North Carolina.....	1	Chancin.....	2
Queen Anne County.....	3	Interavis.....	2
New Mexico.....	1	Byxtrm9.....	8
District of Columbia (or D. C.).....	1	Xyfl94sm.....	8
North America.....	2	All right or alright.....	2
44.42.....	5		
42B618.....	6		
74½.....	5	<i>Exceptions.</i>	
No. 185 22d St.....	8	A. M.....	1
10 000 000.....	8	P. M.....	1
Ten millions.....	2	F. O. B. (or fob).....	1
3d (or 3rd).....	2	C. O. D. (or cod).....	1
10th.....	3	C. I. F. or C. F. I. (or cif or cfi).....	1
Lbs.....	1	O. K.....	1
Cwt.....	1	C. A. F. (or caf).....	1
Hhds.....	1	Per cent.....	1

105. Every message must show the place where the message originates and the date.

106. Wherever possible, night-rate telegrams or lettergrams should be sent.

107. In most instances, under the practice of the Department and its bureaus, telegrams received from officers in the field after office hours are not acted upon until the next day. The sending of telegrams at day rates when filed for transmission at such times as to prevent their being received by the addressees during office hours of the day on which they are filed serves no useful purpose and causes an unnecessary expense.

108. All telegrams, except those so urgent as to require the immediate attention of the addressee, filed too late to be received during office hours, must be sent as night telegrams or lettergrams.

109. In filing telegrams to distant points, officers should consider and allow for difference in time (in some cases several hours), the time required to transmit and deliver telegrams (usually an hour or more), and the probable closing time of offices.

110. Officers and employees are directed not to use the telegraph when a letter would accomplish the same purpose.

111. Careful calculation will often show that a letter can be sent and acted on as quickly as can a telegram.

112. Under no conditions should two copies of a telegram be furnished the telegraph company.

113. All telegrams should be sent marked "Official business, Government rate, paid," and the title of the appropriation, all of which should be indicated in such a manner that it will not be sent and charged for.

TELEPHONES.

SEC. 11.—114. Charges for telephone calls on official business will be allowed. Reimbursement for amounts paid for local calls may be claimed by setting forth in voucher in one item the amount expended therefor each day. When long-distance telephone is used a statement must be furnished showing the places to and from which the service was rendered and the time occupied.

EXPRESS AND FREIGHT.

SEC. 12.—115. Property should not be shipped by express when ordinary freight service will answer the needs of the Department.

116. Whenever practicable, shipments by freight or express must be made on Department bills of lading, which will be furnished on request made through proper channels.

117. Payment of charges on shipments made on Government bills of lading will be made direct to the transportation companies by the Disbursing Clerk, and should not be made by officials in the field.

118. Whenever it is impracticable to use Government bills of lading the form of commercial bill of lading may be used.

119. When payment of charges is demanded by the transportation companies (from the shipper or the consignee) on shipments *not* made on Government bills of lading, payment may be made on a properly executed receipted expense bill showing weight and rate, and reimbursement obtained by including the item in personal expense voucher. The fact that the agent refused delivery until payment of the charges was made should be certified thereon.

120. In cases of damage or shortage, notation to that effect should be made on Government bill of lading by the person receiving shipment. When a commercial bill of lading is used and the shipment is damaged or shortage occurs, the officer who approves the voucher for the payment of the charges on the shipment should indicate on the voucher the facts in regard to damage or shortage.

MISCELLANEOUS.

SEC. 13.—121. Except when properly authorized, no reimbursement of expenses for stenographic or typewriting services in connection with the preparation of reports or correspondence will be made to an employee while traveling on official business of the Department.

122. The employment of other assistance should when practicable be authorized by the Department before such employment is engaged; but when this is impracticable, it must be authorized before expenditure will be allowed.

123. Such assistance should not be paid for by the field employee but the account covering same should be certified and forwarded

in the usual manner for payment, which will be made direct to the person who rendered the service. Such account should show when the service began and ended.

124. If it is found that the payee will not wait for reimbursement in the regular manner, payment may be made by the field employee, receipt therefor to be taken on a subvoucher, and a full explanation submitted with the account in which the charge is included.

125. Articles of stationery, such as paper, pens, penholders, pencils, etc., should not be purchased, except in emergencies. Such supplies are obtainable upon requisition on the Department.

126. Guides, interpreters, drivers of vehicles, etc., may be employed when necessary. Every charge of this kind must be accompanied by a full explanation showing its necessity and proper receipts for the payment made.

127. Charges for feeding and stabling of horses will be allowed only when supported by full explanation of their necessity and by receipted subvouchers.

128. Expenditures for repairs to Government property, such as typewriters, etc., when immediate payment is demanded, and purchase of State and city maps and street guides, will be reimbursed employees.

129. Employees are not permitted to pay expenses of other employees or make payment to other Government employees for services of any character.

130. At the expiration of the term of service of an employee unused Government requests for transportation, telegraph identification cards, official badges, fountain pens, and other Government property in his possession must be forwarded to the Department or be properly accounted for.

RECEIPTS (SUBVOUCHERS).

SEC. 14.—131. Receipts (subvouchers), when practicable to obtain them, will be required for—

- (a) Lodging (for persons claiming actual expenses).
- (b) Hotel bill from American-plan hotel (for persons claiming actual expenses).
- (c) Livery, with statement as to necessity therefor.
- (d) Feeding and stabling of horses.
- (e) Services of guides and interpreters.
- (f) Express and railroad companies' charges for carrying freight. (Subvoucher must show the weight and rate.)
- (g) Expense of clerical assistance when authorized.
- (h) Repairs of Government property, such as typewriters, etc.
- (i) Miscellaneous expenses, such as stationery, etc.
- (j) Telegrams. A receipted copy must be furnished.

(k) Sleeping-car, parlor-car, and stateroom fares. The seat or berth check will be regarded as sufficient. If procured on a request, it should be attached to the memorandum copy of the request.

(l) Railroad fares paid on train must be supported by the cash-fare slip when no refund is allowed to traveler.

(m) Baths.

In cases where it is impracticable to obtain receipts, statement to that effect should be made in expense voucher and the reason given. In the absence of explanation satisfactory to the administrative officer the amount involved will be suspended.

132. Receipts will not be required for—

(a) Railroad fares, except where paid on train.

(b) Meals.

(c) Street car or ferry fares.

(d) Telephone charges.

(e) Bus, carriage, or taxicab fares.

(f) Local baggage transfer.

(g) Baggage porter fees.

133. In no case shall a subvoucher be taken in duplicate.

134. Whenever a subvoucher is required the person signing the same should also fill in the amount stated in figures.

135. Subvouchers of a corporation or unincorporated company should be signed with the company name and subscribed by person signing, with his title.

RENDERING OF VOUCHERS.

SEC. 15.—136. Vouchers should be rendered monthly, by calendar month.

137. Each voucher must be accompanied by a copy or memorandum voucher.

138. It is preferred that vouchers be prepared on typewriter with carbon memorandum voucher.

139. Items in voucher must appear in chronological order, and all charges for the month for which rendered must be included.

140. Items suspended from previous vouchers and reclaimed with explanation must be stated after all items for the month have been listed.

141. All vouchers rendered by employees containing claims for charges other than salary and per diem in lieu of subsistence must be verified by an oath sworn to by the person rendering it.

142. Attention is invited to section 8 of the sundry civil appropriation act approved August 24, 1912, as follows:

After June thirtieth, nineteen hundred and twelve, postmasters, assistant postmasters, collectors of customs, collectors of internal revenue, chief clerks of the various executive departments and bureaus,

or clerks designated by them for the purpose, the superintendent, the acting superintendent, custodian, and principal clerks of the various national parks and other Government reservations, superintendent, acting superintendents, and principal clerks of the different Indian superintendencies or Indian agencies, and chiefs of field parties, are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to accounts for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand after said date by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and on and after July first, nineteen hundred and twelve, no fee or money paid for the services herein described shall be paid or reimbursed by the United States.

143. The law above quoted prohibits the payment for jurat to expense vouchers, and if payment is made reimbursement will not be allowed.

144. Consular officers and clerks of United States courts will swear Government officers and employees to expense vouchers without requiring the payment of a fee.

145. For the information of the employees concerned there is published the following extract from a letter from the Secretary of the Treasury:

Referring to your communication bearing date of the 23d instant, in which you request that I waive the provisions of Treasury Department Circular No. 52, relating to affidavits to expense accounts in your department where those incurring them "are far removed from an officer authorized to administer oaths for general purposes, or where, by the making of such affidavit, the disclosure of the fact of the presence of the Government officer, agent, or employee at the particular place where such affidavit is taken will be detrimental to the public interests, or where, on account of the peculiar nature of the duties of the officer or employec, continuous travel is necessary without opportunity for stops at places where the appearance before an officer authorized to administer oaths is possible," you say in case said waiver is made you will issue instructions that in all cases it shall be certified on honor as correct and accompanied by a statement of the conditions which make it impracticable to secure an affidavit.

I have the honor to inform you that I have made the required waiver, and will accordingly notify the proper accounting officers of such fact.

All expense vouchers which are not sworn to in accordance with the terms of the Treasury letter above referred to must contain specific explanations of the reasons why the oath is omitted and must be certified to on honor in the space provided for the affidavit.

146. All entries should be carried to the dollars and cents column direct and no items should be interlined.

147. Charges for meals may be entered thus: "Sept. 10, bkfst. 50, dinner 50, supper \$1," and the total for the day extended to the money column.

148. If a subvoucher for board and lodging covers more than one day, only one entry in the voucher will be necessary. Care should be exercised, however, to have the subvoucher show the period it covers and the rate per day for meals and lodging.

149. Letters transmitting vouchers are not necessary.

150. A legible address to which check is to be sent must be indicated on the voucher.

151. The use of every Government request for transportation should be reported under date of its use in expense voucher. The number of the request must be entered in the proper column for that purpose.

152. Subvouchers must be numbered consecutively, in chronological order, commencing with No. 1, for each voucher. Subvoucher numbers must be entered in the proper column of the voucher.

153. All items must be briefly and clearly stated.

154. As the accounting officers of the Treasury will require satisfactory evidence relative to every item paid by the Government, the risk of suspension in vouchers will be avoided if every unusual item is fully explained in the voucher when submitted.

155. When alterations or erasures are made they must be certified to by the officer administering the oath as having been made before final execution, and the certificate should indicate such alterations or erasures specifically. A general certificate as to alterations will not be regarded as sufficient.

156. No account of traveling expenses will be paid unless rendered upon approved form, properly itemized, accompanied by necessary subvouchers, approved by the duly authorized administrative officer, and accompanied by a copy of the travel order or reference to the travel authorization.

157. The traveler should keep a true memorandum of actual expenses paid from day to day and transcribe the same to his travel voucher under the proper dates.

158. He should remember that his affidavit covers actual and not average cumulative daily expenses.

159. In case an employee travels by a circuitous route for his own personal convenience, he should report the traveling expenses in his voucher just as they are incurred. Proper deduction will be made from the voucher by the administrative officer or the Disbursing Clerk.

160. Items in vouchers not fully satisfactory to the administrative officer, or to the Disbursing Clerk, will be eliminated from the voucher by a suspension, which will indicate the additional evidence required. Such items should be included, with proper explanation, in the next regular expense account to be submitted by the employee.

WAIVER.

SEC. 16.—161. These regulations or any portion thereof may be waived by the Secretary in the case of any account coming under its provision, or in case of emergencies when expenditures are incurred not covered by any of its authorizations, but such waiver will only be made upon a full statement of facts showing the case to be exceptional and meritorious, which statement must be permanently attached to the account.

FOREIGN TRAVEL.

SEC. 17.—162. In general in foreign countries the customary scale of fees should be ascertained. The fees that are customary and universal will be allowed, but careful discretion should be exercised in this expenditure. Employees are expected to travel in a manner calculated to secure respectful attention, but extravagant fees will not be approved.

REPORTING OF EXPENDITURES IN FOREIGN COUNTRIES.

SEC. 18.—163. Employees traveling in foreign countries should report their expenditures by items in the currency of the country in which made. Conversion to United States currency is to be made at the end of the voucher, using the rate at which the foreign money was obtained. Every time money is converted the employee should obtain a receipt to be attached to the voucher, which must show the rate of conversion and the commission charged. The commission should be reported as an expenditure in the voucher.

164. All employees of the Immigration Service and accompanying attendants (when such are necessarily employed upon competent authority) engaged in the deportation of aliens will be allowed a period of 24 hours' rest immediately following the delivery of aliens when such place of delivery is 500 miles or more distant from the place where the alien was taken into custody. No such period of rest will be allowed, however, except at the place where delivery is made. If aliens in a party are distributed at two or more places, the period of rest will be allowed only at the place of last delivery.

165. In all deportation cases the date and hour of delivery of alien must be indicated in expense voucher in which claim is made for reimbursement of expenses incurred thereon.

ARTICLE III.—UNOFFICIAL ACCESS TO RECORDS.**WITHDRAWAL OF ORIGINALS.**

SECTION 1.—No account, letter, record, file, or other document or paper in the custody of the Department, or of any bureau, office, or officer thereof, shall on any occasion be taken or withdrawn by any agent, attorney, or other person not officially connected with the

Department; no exception will be made without the written consent of the Secretary.

COPIES.

SEC. 2. Copies of accounts, letters, records, files, and other documents or papers shall not be furnished to any person except with the written consent of the Secretary. Such written consent will be granted only to such persons as may have a personal material interest in the subject matter of the papers or at their request. Applications for copies of documents, accounts, records, or files should be made to the Secretary and should be accompanied by an affidavit setting forth the interest of the applicant and showing the reason why and the purpose for which the copies are desired. Except where requests are made by the Attorney General under section 188 of the Revised Statutes for evidence touching the claims of persons suing the United States in the Court of Claims, or by persons making the application and affidavit provided for in the act of August 13, 1894, as amended by the act of February 24, 1905 (33 Stat. L., 812), copies of accounts; letters, documents, records, or other papers desired by or on behalf of parties to causes pending in any court shall be furnished only to the court on an order or a rule of the court requesting the Secretary to furnish the same, and then only when the production of such copies will not, in the judgment of the Secretary, be prejudicial to the Government or the public interest. No exception will be made without the written consent of the Secretary.

ARTICLE IV.—CONTRACTS.

ORIGINALS.

SECTION 1.—1. **Number of originals.**—With a view to saving time and labor, the avoidance of error, and the elimination of unnecessary detail, contracts submitted for the approval of the Secretary shall be prepared and executed in triplicate, each copy to be a counterpart of the others, so that all alike may be originals.

2. **Indorsement required.**—In order to secure compliance with section 3732 of the Revised Statutes, contracts submitted for the approval of the Secretary must have indorsed upon each original copy a certificate showing the appropriation from which the payment required by the contract is to be made and the balance of the appropriation available for meeting the payment, over and above all payments made and obligations incurred under the said appropriation. If the approximate instead of the exact available balance be given, the reason therefor shall be briefly stated.

3. Form of indorsement.—The certificate shall be in the following form:

DEPARTMENT OF LABOR,
BUREAU OF ———,
————, 19—.

The payment required by this contract is to be made from the appropriation for ———, made by the ——— appropriation act of ———, 19— (see Digest of Appropriations, p. —); and the balance of the said appropriation now available for meeting the said payment, over and above all payments made and obligations incurred under the said appropriation, is \$——.

4. Distribution.—After approval by the Secretary, the three original copies shall be distributed by the Chief Clerk as follows: One to the Auditor for the State and Other Departments; one to the bureau or office in which the contract originates, to be transmitted to the contractor; and one to the Disbursing Clerk.

COPIES OF ORIGINALS.

SEC. 2. If additional copies of contracts are required, for reference or otherwise, transcripts may be made either at the time the original copies are prepared or later, as occasion demands, according to the convenience of the bureau or office concerned.

CONVICT LABOR.

SEC. 3.—1. **Executive order.**—The following Executive order of the President of the United States was made May 18, 1905:

Whereas by an act of Congress which received Executive approval on February 23, 1887, all officers or agents of the United States were as a matter of public policy forbidden, under appropriate penalties, to hire or contract out the labor of any criminals who might thereafter be confined in any prison, jail, or other place of incarceration for the violation of any laws of the Government of the United States of America, it is hereby ordered that all contracts which shall hereafter be entered into by officers or agents of the United States involving the employment of labor in the States composing the Union, or the Territories of the United States contiguous thereto, shall, unless otherwise provided by law, contain a stipulation forbidding, in the performance of such contracts, the employment of persons undergoing sentences of imprisonment at hard labor which have been imposed by courts of the several States, Territories, or municipalities having criminal jurisdiction.

2. Labor agreements.—It is accordingly directed that all agreements involving the employment of labor in the States composing the Union, or in the Territories of the United States contiguous thereto, entered into by officers or agents of the Department after the 18th day of May, 1905, shall contain the following provision: "It is stipulated and agreed that no person or persons shall be employed in the performance of this agreement who are undergoing sentences

of imprisonment at hard labor which have been imposed by courts of the several States, Territories, or municipalities having criminal jurisdiction." When this provision is added to an agreement after its execution, a note or memorandum must be made thereon and signed by the parties, stating that the provision was added, with their assent, after the agreement was executed. If a bond has been given guaranteeing the performance of the agreement, the written consent of the sureties thereon to the change in the agreement must be obtained and attached to the bond. When the provision is incorporated in the printed agreement before its execution by means of a rider or otherwise, the parties must state, immediately above their signatures, that it was incorporated before execution.

BONDS.

SEC. 4. Except where otherwise directed by the Secretary, the following practice will be adopted in the acceptance of recognizances, stipulations, bonds, or undertakings under this Department, executed by guaranty or surety companies:

1. **Sureties.**—No company having authority under the act of Congress of August 13, 1894, to do business with the United States shall be accepted as sole surety on any recognizance, stipulation, bond, or undertaking under this Department unless such company has justified as surety under the regulations of the Treasury Department and holds a certificate of authority from the Secretary of the Treasury.

2. **Offsets.**—In determining the limitations herein prescribed the full penalty of the bond shall be regarded as the liability, and no offset will be allowed on account of any estimate of risk which is less than the full penalty of the bond, except as follows:

Contract bonds, except those in which the United States is interested as a party, given in excess of the amount of the contract; in which cases the amount of the contract will be regarded as the liability.

3. **Waivers by the Secretary.**—If it becomes necessary for the Secretary to waive the limitations herein prescribed on any recognizance, stipulation, bond, or undertaking given to the United States, notice of such waiver and the manner in which the excess is required to be covered shall in each instance be immediately transmitted by letter to the head of each of the other executive departments.

4. **Penalty.**—Failure on the part of any company to comply with the provisions of these instructions will be considered sufficient ground for refusing further to accept such company as surety on obligations under this Department during the continuance of such delinquency, and in the event of persistent failure to observe the provisions of these instructions the name of any such company will be eliminated from the list of sureties acceptable to this Department.

VI. PUBLICATIONS AND SUPPLIES

ARTICLE I.—ESTABLISHMENT AND FUNCTIONS OF DIVISION.

There is established a Division of Publications and Supplies, the chief of which is charged with the general supervision of the printing and binding of the Department, together with the distribution of its publications and the maintenance of its mailing lists, the performance of all duplicating work, and the storing and distribution of blank books and forms, and he conducts the correspondence incident to the detail work of the division. All authorizations for newspaper advertising are issued through this office, in which is also kept a record of all expenditures for the printing and binding of the Department. Under the direction of the Chief Clerk the supervision of the purchase and distribution of supplies and the keeping of detailed accounts of all expenditures from the appropriation for contingent expenses of the Department are functions of this division. The chief thereof acts as Auditor of Property Returns.

ARTICLE II.—RULES GOVERNING PRINTING AND BINDING.

EXECUTIVE ORDER.

SECTION 1. An Executive order of January 20, 1906, prescribes as follows:

It is hereby ordered that there shall be appointed by the head of each of the executive departments an advisory committee on the subject of printing and publication. The chairman shall be an Assistant Secretary or other qualified official, and at least one member of the committee shall have had practical experience in editing and printing. It shall be the duty of such committee under the direction of the head of the department, to see that unnecessary matter is excluded from reports and publications; to see that copy is carefully edited before rather than after going to the Printing Office; to do away with the publication of unnecessary tables, and to require that statistical matter be published in condensed and intelligible form; to supervise the preparation of blank forms; to require the frequent revision of mailing lists; to prevent duplication of printing by different bureaus; to exclude unnecessary illustrations from department documents, and to prevent the printing of the maximum edition allowed by law when a smaller edition will suffice; to recommend to the head of the department for inclusion in the recommendations contained in his annual reports needed changes in the statutes governing department publications. The following general principles shall hereafter govern the form of the annual reports of the various bureaus and offices of the departments: (a) Annual reports shall be confined to concise accounts of work

done and expenditures incurred during the period covered, with recommendations relating to the future, including plans for work to be undertaken. (b) Contributions to knowledge in the form of scientific treatises shall not be included in annual reports. (c) Illustrations in annual reports shall be excluded except: (1) Maps and diagrams indispensable to the understanding of the text; (2) views of monuments or important structures begun or erected; (3) views showing conditions in outlying possessions of the United States and relating to work done or recommendations made. (d) Inserted material, written or compiled by persons not connected with the reporting office, and biographical and eulogistic matter relating to the past or present personnel of the office, shall be excluded. (e) Reports of officers who do not report directly to the head of an executive department shall not be printed in the annual report of a department, but where necessary shall be summarized in the reports of the officials to whom such officers do report. (f) Tables shall be inserted only when verbal summaries and statements of totals are inadequate, and complete texts of laws and court decisions shall, except in cases of great importance, be excluded. (g) Detailed descriptions and lists of methods, processes, purchases, bids, rejections, installations, repairs, specifications, and personnel employed shall be omitted except when required by their unusual importance or by statute.

ADVISORY COMMITTEE.

SEC. 2. The Assistant Secretary, the Chief Clerk, and the Chief of the Division of Publications and Supplies are appointed an Advisory Committee on Printing and Publication, with duties as prescribed in the foregoing Executive order.

REQUISITIONS FOR PRINTING AND BINDING.

SEC. 3.—1. **Preparation of requests.**—The chief of each bureau or office of this Department shall designate some competent person whose duty it shall be (a) to prepare all requests for printing and binding for signature by the chief of the bureau or office; (b) to see that all copy is properly prepared and edited in conformity with these regulations and has the approval of the chief; and (c) to confer with the Chief of the Division of Publications and Supplies upon all questions that may arise in connection with printing and binding for the bureau or office. The name of the person so designated shall be certified by the head of the bureau or office to the Secretary (Division of Publications and Supplies).

2. **Orders on Public Printer.**—(a) All printing and binding and blank books for this Department will, in the absence of special provision of law, be ordered from the Public Printer by requisitions signed by the Secretary of Labor. (b) Formal requests for such work must be signed by the chief of the bureau or office and addressed to the Secretary (Division of Publications and Supplies), and must be accompanied by complete copy (including illustration copy, if there be any) for the printing desired, specimen leaves of blank books to be made,

or lists of books to be bound. If the work is to closely resemble work already done, a specimen of such previous work should be sent as a sample. (c) Each request for the printing of publications in which illustrations are to appear must have stamped across its face a certificate signed by the chief of bureau that the illustrations are necessary and relate entirely to the transaction of public business. (d) Requests for work not deemed necessary for the public business, or which involves expenditures in excess of the Department's allotment of the appropriation for printing and binding, will not be granted. (e) Plans for publications or illustrations in any way departing from the usual course of work should be submitted to the Secretary (Advisory Committee on Printing and Publication) for approval before the preparation of copy is begun. (f) In order to minimize the issue of distinctive blank forms and books and to secure uniformity in their use, printing clerks are directed to familiarize themselves with the books and blanks kept in stock in the Division of Publications and Supplies and where practicable to supply needs from the stock on hand. (g) Written statements explaining the necessity for having forms other than those in use must accompany requests for such work. (h) Requests for blank forms, official letter paper, and envelopes should always be made two months and for blank books four months before actual need. (i) A year's supply of regular or standard forms should always be ordered, and if there is no likelihood of change in a blank record book desired a supply that will last at least two years should be requested.

3. Record of requests.—A record of requests shall be kept in each bureau or office, and each will number its requests consecutively in the space provided for that purpose in the upper right-hand corner, leaving the space in the upper left-hand corner for the Department number.

4. Rush orders.—Owing to the fact that the Government Printing Office exacts an extra charge for rush orders and for overtime work, requests should be made "special" only in exceptional cases, when the necessity therefor should be fully explained.

5. Ink.—All printing for the Department and its bureaus shall be in black record ink unless otherwise directed by the Advisory Committee on Printing and Publication.

COPY.

SEC. 4.—1. Instructions to printer.—Full instructions should be written on the first page of the copy, as well as on the request, and should include: Size of type, whether leaded or not, kind of paper, size of page or sheet, binding or covers, interleaving, ruling, indexing, tagging, perforating, gumming, etc. When no changes are to be made from a printed copy the only instructions necessary are "Follow copy."

2. Preparation of copy.—Complete copy must accompany each request for printing. Copy must be carefully and neatly prepared and thoroughly revised before submission for publication, so as to avoid changes or additions in proof. It should be typewritten when practicable, and the lines should not be closely spaced. When printed matter covering both sides of a sheet is used, two copies should be furnished. All paragraphs should be clearly indicated. Inserts of more than a line should be written on a separate sheet and the place of insertion clearly marked. Manuscripts should be kept flat, never rolled. Imperfect and illegible copy will not be forwarded to the printer, and the making of costly alterations in proof sheets will not be permitted.

3. Typographical style.—The rules laid down in the Style Book of the Government Printing Office, copies of which the printing clerks of the various bureaus can obtain through the Division of Publications and Supplies, will determine form and style. Careful study of this manual and of the "Functions of the editorial staff," section 6 of this article, is enjoined on those having to do with the preparation of copy. Departures from established style are discountenanced, the only exceptions being in technical work.

4. Cuts.—The method of reproduction and the dimensions desired for the finished cut should be indicated on illustration copy. The size of the printed page should be kept in mind when fixing these dimensions.

5. Proofs.—Proofs must be promptly and carefully read on receipt and returned at once to the Division of Publications and Supplies. When the requisition and jacket numbers are given on the envelope in which proofs are sent, this envelope must be returned with the copy and proofs.

Additions or substitutions in proof should be avoided, but if any are necessary they should be made in the first proof. Subsequent proofs are to be used only for verification.

6. Books and pamphlets.—Reports and papers submitted for publication should be concise, with unessential matter rigidly excluded. Care should be exercised that the matter conforms, as regards title, arrangement, headings, etc., to previous volumes of the same series or of a similar character, except as changes may be necessary to remedy defects. If a volume contains several sections distinct enough to be published separately, each should be provided with a title (half title) in addition to the general title of the publication. A copy of the seal of the Department shall appear on the title page of each of its book and pamphlet publications. Every extensive publication must have a table of contents, made up of headings that occur through the work, indicating the arrangement of the subject matter. The relative importance of these head-

ings should be shown in the table by indentation from the left-hand margin. If a publication is to contain illustrations, a complete and accurate list of them must be supplied with the copy. Publications dealing with diverse subjects and all large publications must be provided with thorough alphabetical indexes. Graded indentations, and not the "clearing" form, shall be used in printed indexes. The reports of chiefs of bureaus and offices must be printed in the same type and form as the report of the Secretary (28 Stat. L., 623). Facsimile signatures will not be printed in annual reports.

7. Binding.—Books for binding must be securely wrapped in bundles of convenient size, numbered consecutively from 1 upward, and both the number of books and number of bundles must be stated on the request. When more than one style of binding is desired for any lot of books, the special form provided for that purpose shall be made out in duplicate and attached to the request. A diagram for titling should be attached to each volume, and when binding or lettering is to conform to that of other volumes a sample should be sent. The name of the Department and of the bureau or service must appear on the cover of each publication.

The law provides that printed documents, except those intended for the Department's libraries, may be bound only in cloth or in sheep (full or half, cloth or paper sides). Books for the Department's libraries may be bound in half turkey or material no more expensive. The style and color should be specified on the request in each case. Ruby buckram or leather must be used in binding publications of the Department.

8. Inquiries concerning printing.—All inquiries regarding printing and binding and the progress of work at the Government Printing Office must be made of the Chief of the Division of Publications and Supplies and not of the Public Printer.

9. Annual reports.—To enable the Public Printer to comply with section 4 of the act of March 3, 1915, copy for the annual reports of the bureaus must be delivered to the Division of Publications and Supplies a sufficient time before the 15th of October of each year to enable it to be prepared by that division and forwarded to the Government Printing Office by that date; but in order to prevent congestion near the date of forwarding to the Printing Office, the bureaus should forward such sections of their reports as are ready for printing as early as possible after the 1st day of July. The bureaus must return the revised proofs of these reports to the Division of Publications and Supplies a sufficient time in advance of the 10th day of November of each year to enable that division to perform its functions and return the proofs to the Public Printer by that date. Copy for the Secretary's report should be forwarded to the Division of Publications and Supplies sufficiently in advance of the 15th day

of November of each year to enable it to be prepared by said division and forwarded before that date, and revised proofs of the same should be returned to the Division of Publications and Supplies sufficiently in advance of the 20th day of November to enable the division to prepare it for printing and forward to the Public Printer by that date.

BLANKS.

SEC. 5.—1. **Blank forms.**—(a) Each blank form shall have a title or caption indicating its purpose as accurately as possible. (b) The name of the department, followed by that of the bureau, office, or service in which it is to be used, shall appear at the head of each form. (c) Each blank form and blank book shall have a form number, which shall appear in the upper left-hand corner. Fractional numbers should not be used, and letters in connection with numbers should be used only to distinguish between different sizes of the same form. (d) Printed stationery and return envelopes shall not be given form numbers, nor shall circular letters for temporary or local use. (e) Each bureau and office shall keep a complete book or card record of its forms, specifying the number, title, and dimensions, and shall keep on file a copy of the latest print of each blank form and a leaf of each blank book used by it. (f) All blank forms and blank books issued to persons outside of the Department building proper, except those sent to special agents, shall be kept in stock in the Division of Publications and Supplies and are to be distributed by that division only on requisition approved by the head of the appropriate bureau or office.

2. **Blank record books.**—(a) Directions for making blank books must appear in detail on the copy and must specify the size of leaf, number of leaves, and style of binding desired, and should contain instructions for titling, paging, indexing, tagging, canvas covering, etc. (b) The following styles of binding for blank books are suggested: Books of 250 leaves or more, intended for permanent records, and smaller books when exceptional durability is desired, russias ends and bands, patent back; ordinary record books of from 175 to 250 leaves, half russias, patent back; similar books of from 100 to 175 leaves, half russias, cloth sides; books for temporary use and not subject to much handling, such as receipt or memorandum books, leather back, board cover, cut flush. (c) The title of each blank book must be printed on the back or side, as well as the name of the Department and the bureau, office, or service in which the book is to be used; each page shall have a general heading, and every column a heading showing distinctly the character of the entries to be made therein. (d) Blank books must conform as nearly as practicable to the following sizes of paper or simple divisions thereof: 14 by 17 inches, 17 by 28

inches, 16 by 21 inches, 21 by 32 inches, 19 by 24 inches, 20 by 28 inches, 23 by 31 inches. (e) To avoid the mutilation of record books, loose sheets should be ordered on requests for new books and should be kept on hand to be used for copy when ordering reprints.

3. Manifolding.—Manifold blanks and books required in duplicating processes, as well as complete patented devices with which to file uniform official papers, may be procured through the Public Printer, who is authorized to furnish them under the act of June 28, 1902 (32 Stat. L., 481), the same to be paid for out of the Department's allotment of the appropriation for printing and binding.

4. Letter paper, envelopes, circulars, etc.—(a) Each bureau, office, and service shall have its letter paper, envelopes, circular letters, etc., printed in accordance with the official style adopted by the Department. (b) Franked slips and cards shall be of uniform size (slips 3 by 5 inches, cards $3\frac{1}{4}$ by $5\frac{1}{2}$ inches) throughout the Department except where otherwise authorized. (c) All official paper, circular letters, and envelopes must be printed in black ink.

DUPLICATING WORK.

All duplicating work of the Department done on other than typewriting machines shall be performed by the Division of Publications and Supplies on requisition of the head of each bureau or office, who shall cause exact copy to be prepared for each requisition, so that changes in proof will not be necessary. All blanks, letters, etc., for distribution shall, unless otherwise ordered by the Secretary, contain the name of the Department and of the bureau issuing. The Style Book of the Government Printing Office should be followed as closely as possible in duplicating work. Copy should be, as nearly as possible, an exact counterpart of the blank or form desired, and the writing thereon should not exceed 7 inches in width.

FUNCTIONS OF EDITORIAL STAFF.

SEC. 6. The work of the editorial staff of the Department of Labor comprises:

1. Critical reading.—Reading critically all manuscripts submitted for publication and making such emendations or suggestions as seem necessary to secure compliance with law and the Department's regulations and the maintenance of its standards.

2. Supplying formal contents.—Supplying or revising titles, lists of contents and illustrations, indexes, abstracts, illustration legends and headlines, and the like.

3. Typographical style.—Determining, in accordance with the law and the policies adopted thereunder by the Public Printer, the form and style of the Department's publications.

4. **Recommendations.**—If a manuscript or any considerable part of it is judged to be unworthy of publication, or if its publication by the Department is judged to be contrary to law, or if it needs more thorough revision than the editorial staff can undertake to give, the reader will submit to the chief of the division a written recommendation that it be not published, or that it be returned to the author for revision, stating explicitly the reasons for his action. If the chief of the division approves the recommendation, he will confer with the chief of the bureau transmitting the manuscript, and if necessary will submit the question to the Secretary. A similar course will be taken with regard to undesirable illustration copy. Cuts may be published for purposes of illustration only—never for embellishment.

5. **Alterations.**—(a) The editorial reader should be alert to detect errors, inconsistencies, omissions, and superfluities, and should correct or call attention to them. (b) He must use the utmost care to understand thoroughly the meaning intended before making any change, and no change should be made the propriety of which is not beyond doubt. (c) Any question that arises should be referred to the author or to the bureau transmitting the manuscript, whose decision should be accepted when not in conflict with these instructions. (d) Serious disagreements should be reported to the chief of the division, who will submit them to the Secretary should he deem it necessary. (e) The reader should strike out expressions which might give offense to any foreign power or its representatives; expressions of opinion on political issues, foreign or domestic; advertisements of industrial or commercial establishments; personal comments on employees of the United States or other Governments, and any other matter publication of which would be a breach of propriety or a violation of official courtesy. (f) Acknowledgment of assistance or courtesies in connection with work or investigations reported upon should be restricted to such as may be necessary to avoid misappropriation of credit or may be demanded by official or professional courtesy. The elaboration of such acknowledgments to include favors to individuals, the personnel of expeditions, or the services of routine employees should not be permitted, and itineraries, personal references, and details not essential to the presentation of the facts should likewise be excluded.

6. **Topical arrangement.**—Every paper must be made to conform to a definite plan, each topic being treated in a single place and the topics following one another in logical order. To facilitate comprehension of the plan and thus of the matter presented, all but the briefest papers should be divided into series of coordinate sections, with heads indicating as definitely as possible the subject treated in each. Any section may be subdivided if desirable, the coordination or subordination of the headings being shown by similarity or differ-

ence of type, by numbering or lettering, or by other device; but the use of more than three, or four grades of heads should be avoided. Headings should be so written that when they are assembled and their relationships are shown by indentation or otherwise they will form an accurate synopsis or outline of the paper. They should in general only name the subject, and should not attempt to tell what is said about it. The use of catch headings calling attention to special points in the paper but not properly covering logical sections or subdivisions should be permitted only in rare instances.

7. Paragraphing.—Special attention should be given to division into paragraphs. This should be determined logically, yet paragraphs should not be so short as to give a “choppy” effect nor so long that their unity can not be readily perceived—rarely more than half a page in length.

8. Punctuation.—The rules for punctuation given in the Style Book of the Government Printing Office should be observed. Aside from these the personal choice of the author will be considered, but a system of “open” punctuation is preferable, and it should never be so close as to confuse the reader or break the continuity of the language.

9. Literary style.—(a) The editorial reader must respect the author’s style and make no change because of personal preference; but he should see that every sentence has an unmistakable meaning and expresses it with reasonable directness and simplicity and without violation of accepted usage in grammar or diction. (b) It is not enough that the context and the reader’s knowledge of the subject prevent misunderstanding of a phrase or sentence; loose and uncertain forms of expression should not be permitted. Except in case of well-established idioms in good usage, it should be insisted that the words used, taken in their normal sense, actually convey the meaning intended. Common use in slovenly business correspondence should not be accepted as sufficient sanction for an unsatisfactory expression. (c) Care should be taken to avoid the use of numerous, long, or irrelevant modifying or parenthetical clauses or, except in rare instances, the inverted arrangement of the parts of sentences. (d) As the purpose of Government publications is, in general, to express facts, their chief merits of style are directness, simplicity, and conciseness. (e) It is not practicable to give here rules of grammar and diction. The standard dictionaries and treatises on the subject will suffice as general guides, and specific rules for the work of this Department will be adopted, with the approval of the Secretary, should they become necessary.

10. Titles.—A title should be so brief as to be readily remembered and cited, and yet should definitely indicate the subject of the book, and, so far as possible, its scope. A title should not, however, usurp the place of a list of contents.

11. **Title page.**—The title page should include, besides the title, the name of the Department and of the bureau responsible for the publication, the seal of the Department, and an imprint showing the publisher and the place and date of publication; the name of the author of the book may also appear, but the names of administrative officers of the Department, other than heads of bureaus, should not appear, except as authors.

12. **Contents.**—A table of contents should generally consist of the text headings, so indented from the left-hand margin as to show their relations. The preparation of these text headings has already been discussed.

13. **Illustration legends, etc.**—Every illustration, diagram, or other part of a paper that stands out from the text and is likely to be examined apart from it should have a comprehensive but concise title. Plates printed on separate sheets should have headlines identifying the volume in which the plates appear.

14. **Tables.**—In accordance with the principle expressed in the preceding paragraph, important tables should always be provided with headings. Every column in a table should have a heading, which should be brief and accurate. Matter should not be put into tabular form unless it will make three or more columns.

15. **Indexes.**—(a) In index making the purpose of the index—to aid in finding things—should always be borne in mind. The means commonly adopted is a series of phrases alphabetically arranged by some topical word, which, by inversion if necessary, is brought to the front. The choice of this word is the important part of the work. Words that will naturally be looked for should be chosen. Since such words will differ greatly with different classes of books and different classes of users, the character of the book and the probable users of the index should be kept in mind and a definite plan made before the work is begun. No word is likely to be looked for which, taken by itself, does not suggest the subject the entry covers, a rare exception being the case of two or more words habitually associated to express a single idea which is not expressed by the first word. (b) Each subject should be entered under all the words under which it might reasonably be expected to be found. When subentries are numerous they should be given under but one entry word, cross references being made to it from the others. Especial care should be used to refer under every entry word (except a cross reference) to all the places where the subject it represents is treated. Between entry words whose meanings overlap but do not coincide mutual cross references should be made. (c) Entries should be elaborated only so far as to prevent them from being misleading and to distinguish them from others. Each entry should merely name the subject discussed, and not present an abstract of the discussion. Occasion-

ally it may be desirable to arrange an abstract in index form, and when this is done the same principles that apply to indexes should be followed in the choice of entry words, double entering, cross referring, etc.

16. Bookmaking style.—(a) Editorial readers should maintain familiarity with modern printing and bookmaking and should adopt the forms best adapted to the class of work in hand. (b) The convenience of users of a book should be the primary consideration in the make-up. (c) Type and arrangement should be modest, tasteful, and harmonious. (d) Unless there is special reason for other practice, ordinary reading matter should be set in 10-point roman type and document (octavo) measure. Reports of bureaus must agree in form and style with the report of the Secretary. (e) The Style Book of the Government Printing Office will be followed in the publications of the Department in all but a few particulars. Such exceptions as seem desirable will be formulated by the Division of Publications and Supplies with the approval of the Secretary, as occasion arises, and notification of their adoption will be given to all concerned. (f) Editorial readers must be familiar with the law governing the public printing and binding and with the Department's regulations relating thereto, and must call attention to any violation thereof.

ARTICLE III.—SUPPLIES.

Requisitions.—Requisitions for supplies should be made in triplicate on forms provided for that purpose, approved by the head of the bureau or office issuing, and forwarded direct to the Division of Publications and Supplies for examination before approval by Chief Clerk. Requisitions should be made a sufficient time in advance of the need for the materials requested to allow for their purchase, if necessary, by the Division of Publications and Supplies. Full description of the article or articles desired must appear in each case, and requisitions prepared in the Department in Washington should be supplemented with the item number as indicated in the Schedule of Supplies for the current year, which should be strictly adhered to wherever possible.

Invoices.—Invoices in triplicate are forwarded to the bureaus or offices in Washington with the supplies or material furnished, one copy to be signed and returned to the Division of Publications and Supplies, one copy to be forwarded to the Auditor of Property Returns with the semiannual return of property, and one copy to be retained as a permanent file.

Inquiries.—All inquiries or complaints relative to supplies or materials, either before, during, or after purchase, must be made to the Chief of the Division of Publications and Supplies and not to contractors or their representatives.

VII. DEPARTMENT PROPERTY

ARTICLE I.—RETURNS.

CONFORMITY TO LAW.

SECTION 1. To secure conformity to the requirements of section 197, United States Revised Statutes, as amended by the act of February 27, 1877 (19 Stat. L., 241), the following regulations regarding returns of property in the Department are promulgated:

1. **Auditor.**—The Chief of the Division of Publications and Supplies is hereby designated Auditor of Property Returns for the Department, and he is directed to receive, verify, and preserve the returns from the various bureaus and offices. He will make report to the Secretary, embodying therein any recommendations as to changes in form or details, with a view to securing the largest degree of uniformity consistent with the diverse conditions of the various services.

2. **Outside of Washington.**—Returns from the Immigration Service outside of Washington will continue to be made as at present, and no duplicates will be sent to the Office of the Secretary.

3. **In Washington.**—Semiannual returns of all Government property in Washington will be rendered on June 30 and December 31 of each year by the heads of the following bureaus or offices: Bureau of Labor Statistics; Bureau of Immigration; Division of Information; Children's Bureau; Bureau of Naturalization; Secretary and Assistant Secretary's Office (by Chief Clerk); Solicitor; Chief Clerk; Disbursing Clerk; and Division of Publications and Supplies. Returns required by this paragraph will be prepared upon forms furnished by the Department and all articles entered therein will be strictly in alphabetical order regardless of classification. The property to be accounted for in the return will consist of books, furniture (including cases and shelving), carpets and other floor coverings, electric fans, desk lights, etc.; typewriting, numbering, dating, and similar machines; copying presses, baths, etc.; duplicating machines, tools, and other property not above mentioned, except stationery and fuel. The term "stationery" includes only such articles and material as are consumed by the use to which they are put. The instructions for rendering property returns (see sec. 3) contain a list showing the character of the supplies to be classed as stationery. No property other than that indicated in section 3, paragraph 7, may be dropped from the semiannual returns except by authority of the Secretary, and each return must clearly indicate the disposition of any property thus dropped, giving the date of the Department letter authorizing condemnation or sale.

BOARD OF SURVEY.

SEC. 2. There is constituted a Board of Survey, consisting of the Chief of the Division of Publications and Supplies (who will act as chairman), the Engineer, and a designated representative of the Chief Clerk, whose duty it will be to examine and report upon such requests as may be submitted from time to time for its action by chiefs of bureaus and offices for the disposition of Government property which is old, unserviceable, lost, or destroyed. In the temporary absence of a member of the board, other than the chairman, the Chief Clerk may designate a person to act in his stead. In the absence of the Chief of the Division of Publications and Supplies the acting chief of that division shall act as chairman.

1. **Inspection reports.**—Chiefs of bureaus and offices desiring to dispose of such property shall send to the chairman of the board a report thereof, prepared in duplicate upon forms to be furnished by the Department.

2. **Survey.**—Upon receipt of such report the board shall make a careful examination of the same, and of the articles enumerated therein, with a view to determining whether it is practicable to repair and utilize in any other branch of the Department any of the articles included in such report, whether they may be of service to some other branch of the Government, or whether the articles have no further usefulness for Government purposes.

3. **Recommendations.**—The board will submit to the Secretary its recommendations as to the disposal of such property, stating specifically as to each article whether it can be repaired and utilized or whether it shall be sold or otherwise disposed of.

4. **Disposition of property.**—Upon approval of the board's recommendations by the Secretary one copy of the report will be forwarded to the Auditor of Property Returns and the remaining copy returned to the accountable officer who, upon receipt of same, will dispose of the property in accordance with the instructions thereon. When an article has no sale value, or its condition is such that its further use would be a detriment to public health, its immediate destruction is authorized and the authority to so destroy vested in the board.

5. **Auction sales.**—In case the recommendation of the board is for the sale of the property, it shall hold, or cause to be held, auction sales at such times as in its judgment will secure the best returns to the Government, or the property may be sold under sealed proposals issued or authorized by the board.

MAKING RETURNS.

SEC. 3. Section 197, United States Revised Statutes, as amended by the act of February 27, 1877 (19 Stat. L., 241), reads as follows: "The Secretary of State, the Secretary of the Treasury, the Secretary

of the Interior, the Secretary of War, the Secretary of the Navy, the Postmaster General, the Attorney General, and Commissioner of Agriculture shall keep, in proper books, a complete inventory of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by them, respectively, and under their charge, adding thereto, from time to time, an account of such property as may be procured subsequently to the taking of such inventory, as well as an account of the sale or other disposition of any such property (except supplies of stationery and fuel in the public offices, and books, pamphlets, and papers in the Library of Congress." The organic act of March 4, 1913, provides that "Section one hundred and fifty-eight of the Revised Statutes is hereby amended to include such Department, and the provisions of title four (which includes sec. 197) of the Revised Statutes, including all amendments thereto, are hereby made applicable to said Department." In order to more clearly and accurately carry out the provisions of the above-quoted acts the following instructions are promulgated:

1. **Semiannually.**—Property returns required by the foregoing regulations will be rendered semiannually for the periods of July 1 to December 31 and January 1 to June 30, on forms to be obtained from the Auditor of Property Returns.

2. **Duplicates.**—The returns should be prepared in duplicate, the original to be forwarded to the auditor not later than 20 days after the close of a period and the duplicate to remain on file in the office to which it appertains.

3. **Inventory.**—The return should show a complete record, based on an actual inventory taken at stated periods in the discretion of accountable officers, of all property belonging to the United States in the possession of such officer, with the total value of same.

4. **Remarks.**—In accounting for property acquired through sources other than the Division of Publications and Supplies, due notice of the fact should be stated in the remarks column opposite each item so taken up.

5. **Articles to be accounted for.**—The following articles, and others of a similar character not heretofore carried on the return, will be accounted for:

Baskets, desk.	Clips, board.	Erasers, steel.
Baskets, carrying.	Cups, force.	Files, for wood or metal.
Baskets, waste-paper.	Cups, sponge.	Files, transfer.
Binders, loose-leaf.	Cups, paint.	Folders, bone.
Blades, hack-saw.	Curtains.	Gloves, assorted.
Boots, rubber.	Cushions, pin.	Graduates.
Brushes (paste).	Cutters, glass.	Openers, envelope.
Brushes (typwr.), assorted.	Daters, band.	Numberers, band.
Buckets, paint.	Drills, twist.	Pads, desk.
Clamps, cabinetmaker's.	Dusters, assorted.	Pads, stamp.

Pans, copying cloth.	Rulers, desk, assorted.	Stands, ink (sets).
Pens, fountain.	Saucers, paint.	Stands, ink, traveler's.
Pens, stylographic.	Scales, draftsman's.	Stands, mucilage.
Plumber's Friend.	Sets, nail.	Supports, book.
Pots, twine.	Shades, window.	Type, metal body (sets).
Racks, pen.	Stamps, metal, dating.	Type, metal (pounds).
Racks, stamp, strip.	Stamps, rubber.	Type, rubber (sets).
Racks, stamp, wheel.	Stands, calendar.	Weights, paper.
Rests, arm.	Stands, ink.	Wells, water.

Inventory of the foregoing articles should be made and the quantities remaining on hand entered in the return.

6. **Articles not to be accounted for.**—Under the term "stationery" will be included such articles and others of similar nature as the following, which are consumed by the uses to which put:

Bands, rubber.	Labels.	Ribbons, typewriter.
Books, blank.	Mucilage.	Seals.
Books, copying.	Oil, clock, etc.	Sponges.
Clips (except board).	Paper, all kinds.	Sponge, rubber.
Cloth, tracing.	Paste.	Tacks, thumb.
Duplicating supplies.	Pencils.	Tags.
Erasers, rubber.	Pencil pointers, emery.	Tape.
Eyelets.	Pencil-point protectors.	Tubes, pasteboard.
Fasteners, paper.	Pens (except fountain and stylographic).	Twine.
Files, adhesive.	Penholders.	Vitreloid.
Ink, all kinds.	Pins.	Wax, sealing.
Indexes for files.		Xylonite.

These articles will not be accounted for on the return, in accordance with section 197, United States Revised Statutes, as amended by the act of February 27, 1877 (19 Stat. L., 241).

Such material as nails, screws, lumber, iron, steel, paints, etc., which are consumed by the uses to which they are put, or by process of manufacture become component parts of an article, will not be accounted for on the return.

7. **Articles dropped by certificate.**—Articles that may be dropped from the return upon a certificate signed by the accountable officer:

*Aprons.	*Boots, rubber.	*Cans, garbage.
Atomizers.	Bottles.	*Cans, gasoline.
*Awls.	Bowls, paste.	*Cans, oil.
*Bags, nose.	*Bowls, wash.	*Cans, sprinkling.
*Basins, wash.	Boxes, file, pasteboard.	*Cans, waste.
*Baskets.	Boxes, packing (report disposition).	Cases, desk drawer, stationery.
*Bells, bicycle.	*Brooms, corn.	Cleaners, closet.
*Bits, assorted.	*Brooms, stable.	*Clips, board.
Blades, hack saw.	*Brooms, whisk.	Clip tools.
*Blankets, horse.	Brushes, assorted.	*Collars, shaft.
Blocks, anchor, for Universal drafting machine.	*Buckets, assorted.	*Combs, curry.
*Books, city directories.	*Cans, ash.	*Combs, mane.
Boots, horse.	*Cans, benzine.	Combs, toilet.

*Countersinks.	Holders, rubber, for	*Pushers, type.
*Couplings, shaft.	stamps.	*Racks, pen.
*Covers, desk.	*Holders, towel.	*Racks, stamp.
*Covers, horse.	*Holders, type.	*Reamers, assorted.
*Covers, machine.	Hones, assorted.	Rests, arm.
*Covers, typewriter.	*Hose, rubber.	*Rings, key.
*Cups, force (plumber's).	Instruments, drawing:	*Rollers, inking.
*Cups, paint.	Battens.	Rulers, desk.
Cups, sponge.	Brushes, assorted.	*Screws, hand.
*Curtains.	Colors, boxes of.	*Sets, nail.
*Cushions, chair.	Curves.	*Shades, window.
*Cushions, felt, type-	Glasses, water.	*Sheets, horse.
writer.	Saucers, assorted.	*Sieves.
Cushions, pin.	Tracers.	Slides, lantern.
Cuspidors, earthenware.	Triangles.	*Springs, door.
*Cuspidors, metallic.	Jars, assorted.	Stamps, rubber.
Cuts, metal and wood.	Jugs, assorted.	*Stamps, steel figures and
*Cutters, glass, wheel.	Keys, typewriter, pneu-	letters.
Cylinders for dictating	matic, sets.	*Stands, calendar.
machines.	Maps.	Stands, ink.
Daters, band.	*Mats, cuspidor.	Stands, ink, traveler's.
*Daters, band, self-inking.	*Measures, metallic and	Stands, mucilage.
*Dies, chasers.	wood.	*Stencils, metal.
*Dies, threading.	Numberers, band.	Stones, oil and water.
Dishes, soap.	*Oilers.	*Surcingles.
*Drills, twist.	*Openers, envelope.	*Sweeps, assorted.
Dusters, assorted.	Pads, desk.	*Taps, threading.
*Erasers, steel.	Pads, stamp.	*Thermometers.
*Files, bill.	*Pails, assorted.	*Tools, lathe turning.
*Files, board.	*Pans, copying cloth.	*Towels.
*Files for wood or metal.	*Pans, dust.	*Traps, rat or mouse.
Files, transfer.	*Pans, radiator.	Tumblers, glass.
Folders, bone.	*Pans, water cooler.	*Type, metal body, sets.
*Funnels.	Pitchers, earthenware and	*Type, rubber, sets.
*Gimlets.	glass.	*Type tools.
Glass, plate, desk top.	*Plates, electrotype.	*Weights, paper.
Graduates.	*Points, drill.	Wells, water.
*Handles, mop.	*Pots, glue.	Wheels, buffing.
Holders, bill.	*Pots, paint.	Wheels, grinding.
Holders, blotter, hand.	*Pots, twine.	*Whips.

(*) Articles thus indicated should be given into the custody of the Engineer and a receipt obtained therefor. This receipt must accompany the next return of property.

8. **Miscellaneous.**—Such articles as awning frames, carpets and other floor coverings, door checks, curtains and shades, electric fans, flags, lockers (except portable), radiators, switchboards, towel holders, and ventilators will be accounted for by the Chief Clerk and Superintendent, who will take up on his return all such equipment.

9. **Property clerk.**—The chief of each bureau or office shall designate a competent employee as property clerk, whose duty it will be to receive and issue all property, keep a suitable record of same, and prepare the returns for the signature of the accountable officer.

EXCHANGE OF PROPERTY.

SEC. 4. Property which the law permits to be exchanged in payment for new property, such as typewriters, adding machines, and other labor-saving devices, may be transferred to stock and dropped from the return upon approval by the Chief Clerk of a requisition for the new property containing a request for the exchange.

1. **Transfer to stock.**—Property which is still serviceable but of no further use to the accountable officer may be transferred to stock upon written request in duplicate addressed to and approved by the Chief Clerk, one copy of the approved request to be returned to the office making the same and the other copy to be forwarded to the Auditor of Property Returns.

2. **Between bureaus or services.**—When it is desired to transfer property from one office or bureau to another, written request in duplicate addressed to the Chief Clerk should be made, one copy of the approved request to be returned to the office making the same, the other copy to be forwarded to the Auditor of Property Returns.

When it is desired to drop from the return property which has been transferred to a field office or station under existing law or regulation, written request in duplicate addressed to the Chief Clerk should be made, one copy of the approved request to be returned to the office making the same, the other copy to be forwarded to the Auditor of Property Returns.

3. **Authority.**—No property shall be dropped from the returns required by these regulations without the specific authority of the Secretary, except in the manner herein prescribed.

VIII. SAFETY REGULATIONS

ARTICLE I.—FIRE.

DEPARTMENT HEADQUARTERS.

SECTION 1.—1. **General requirements.**—(a) Approaches to fire escapes, elevators, and stairways must at all times be kept free and unobstructed. (b) Windows and flues in the vicinity of the fire shall be promptly closed. (c) When an alarm is sounded all persons detailed to the fire force will immediately assume stations to perform duties assigned. All other persons will immediately leave the building under the direction of the fire captains of the respective floors. (d) The person discovering a fire will immediately turn in an alarm at the nearest fire-alarm station, also advise the elevator conductors as to the location of the fire. (e) A fire-alarm station is located on each floor in the corridor north of the elevator shaft, *except on the first floor*, where it is at the rear of the elevator shaft. (f) To turn in an alarm, push the button the number of times (giving long rings) which corresponds to the floor, i. e., for the second floor twice, fourth floor four times, etc. (g) Upon hearing the alarm of fire, both elevator conductors shall immediately operate their cars. If the location of the fire will permit, the extinguisher men will be immediately taken to the scene of the fire by car No. 1. Car No. 2 shall proceed to the top of the building and carry as many persons as possible (women and aged men taking precedence), repeating this operation as long as the car can be operated or until no persons remain above the fire. Car No. 1 will do likewise after extinguisher men have been taken to the appropriate floor. (h) The engineer or his assistant and one laborer shall immediately hasten to the fire plug nearest the fire, take down the hose, and with the nozzle report at the fire ready for action. (i) The watchman on duty will turn in District fire alarm at Seventeenth and F Streets, when necessary. He should remain at the box to direct the fire department on its arrival. (j) The electrician will pull the main-line switch when the building is clear, and assist the fireman in securing the boilers, pulling the fires if necessary. (k) It will be the duty of the assistants and substitutes to act in place of the regular men when the latter are not on duty.

2. **Duties of fire captains.**—(a) Each fire captain will be in charge of his floor. (b) He will direct the operations of extinguisher men in putting out any fire which occurs on his floor, subject only to orders from the Chief Clerk and Superintendent or his assistant, until the arrival of the District fire department, which will immediately assume

complete control. (c) When an alarm of fire is sounded he will see that the stairway and fire-door men marshal the persons on his floor in single file to leave by the fire door, and double file by the stairway. (d) Women and feeble persons are to leave the building by the elevators. (e) Each captain is responsible for a full complement of assistants. (f) The fire captain on the first floor shall promptly cause the opening of such street doors as are necessary to prevent congestion.

3. Duties of extinguisher men.—(a) At the sound of an alarm each extinguisher man will immediately proceed with his apparatus to the scene of the fire and report to the captain in charge, holding himself in readiness to begin operations when the captain so directs. (b) If the location of the fire permits, he will be taken to the scene by way of the elevator.

4. Duties of fire-door men.—(a) It will be the duty of each fire-door man to station himself at the fire door leading to the Annex, to prevent its being opened unless absolutely necessary. (b) The elevators and stairs will be used unless prevented by smoke or fire. (c) Should it be necessary to open the fire door, the fire-door man will point out the proper direction and see that each person leaves in an orderly manner, taking extreme care to prevent crowding. (d) As soon as all persons on his floor have left the building, he should immediately close the door, notify the captain, and leave the building.

5. Duties of stairway men.—(a) It will be the duty of each stairway man to station himself at a point where he can control the entrance to the stairway so as to indicate the proper direction, to see that each person leaves in an orderly manner, and take extreme care to prevent crowding. (b) As soon as all persons on his floor have left the building, he will immediately notify the captain of the fact and leave the building.

IX. COMMITTEES

ARTICLE I.—DEPARTMENTAL.

MEMBERSHIP.

SECTION 1. For the promotion of harmony and efficiency in internal administration, a Departmental Committee has been established and is composed of representatives of the Office of the Secretary and of each of the bureaus and statutory divisions of the Department, with the Assistant Secretary as chairman and the Chief Clerk as secretary.

DUTIES.

SEC. 2. The duties of the general committee are as follows:

1. **Investigation.**—To investigate the activities of the various bureaus within the Department in order to discover the points, if any, at which they overlap.

2. **Formulation of rules.**—To submit to the Secretary from time to time for his consideration such general or special rules as in its judgment will prevent duplication of work.

ARTICLE II.—BUSINESS METHODS.

MEMBERSHIP.

SECTION 1. There has been created in the Department of Labor a committee known as the Committee on Business Methods, which is under the chairmanship of the Assistant Secretary and is composed of the Chief Clerk, Disbursing Clerk, and the Chief of the Division of Publications and Supplies.

DUTIES.

SEC. 2.—1. Plans.—It is the duty of this committee to report such plans for new methods or changes in present methods of routine business or changes in systems of bookkeeping, correspondence, filing, and office procedure generally as may be deemed desirable and appropriate, and to undertake such specific duties as may come within its field of operation or as the chairman may direct.

2. **Changes.**—It shall be the duty of this committee to become thoroughly familiar with the business methods prevailing in the various bureaus and offices of the Department, to investigate them when necessary, and to recommend such changes or modifications as may be deemed advisable.

3. **Simplification and uniformity.**—The committee should strive to promote, as far as practicable, simplification and uniformity of

methods. There are general underlying principles which apply to office procedure in all the bureaus and offices of the Department. It should be the aim of the committee to secure for the head of the Department from various bureaus and offices such cooperation as will enable him to conduct the business of his Department in the most economical and efficient manner by the adoption of such methods as will best serve that purpose.

ARTICLE III.—PRINTING AND PUBLICATION.

MEMBERSHIP.

SECTION 1. Pursuant to Executive order of January 20, 1906, quoted in section 1, Article II, of Part VI of these Regulations, the Assistant Secretary, the Chief Clerk, and the Chief of the Division of Publications and Supplies constitute an Advisory Committee on Printing and Publication.

DUTIES.

SEC. 2. The duties of this committee as prescribed by said Executive order are to see, under the direction of the Secretary of Labor, (a) that unnecessary matter is excluded from reports and publications; (b) that copy is carefully edited before going to the Printing Office; (c) that there is no publication of unnecessary tables; (d) that statistical matter is published in condensed and intelligible form; (e) that the publication of blank forms is properly supervised; (f) that mailing lists are frequently revised; (g) that duplication of printing by different bureaus is prevented; (h) that unnecessary illustrations are excluded from Department documents; (i) that the printing of maximum editions allowed by law is prevented when smaller editions are sufficient; (j) to recommend to the Secretary the inclusion in the recommendations contained in his annual report of needed changes in the statutes governing departmental publications.

X. APPENDIXES

APPENDIX A.

AN ACT TO CREATE A DEPARTMENT OF LABOR.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created an executive Department in the Government to be called the Department of Labor, with a Secretary of Labor, who shall be the head thereof, to be appointed by the President, by and with the advice and consent of the Senate; and who shall receive a salary of twelve thousand dollars per annum, and whose tenure of office shall be like that of the heads of the other executive departments; and section one hundred and fifty-eight of the Revised Statutes is hereby amended to include such Department, and the provisions of title four of the Revised Statutes, including all amendments thereto, are hereby made applicable to said Department; and the Department of Commerce and Labor shall hereafter be called the Department of Commerce, and the Secretary thereof shall be called the Secretary of Commerce, and the act creating the said Department of Commerce and Labor is hereby amended accordingly. The purpose of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment. The said Secretary shall cause a seal of office to be made for the said Department of such device as the President shall approve and judicial notice shall be taken of the said seal.

SEC. 2. That there shall be in said Department an Assistant Secretary of Labor, to be appointed by the President, who shall receive a salary of five thousand dollars a year. He shall perform such duties as shall be prescribed by the Secretary or required by law. There shall also be one Chief Clerk and a Disbursing Clerk, and such other clerical assistants, inspectors, and special agents as may from time to time be provided for by Congress. The Auditor for the State and Other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of Labor and of all bureaus and offices under his direction, and all accounts relating to all other business within the jurisdiction of the Department of Labor, and certify the balances arising thereon to the Division of Bookkeeping and Warrants and send forthwith a copy of each certificate to the Secretary of Labor.

SEC. 3. That the following-named offices, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that pertains to the same, known as the Commissioner General of Immigration, the commissioners of immigration, the Bureau of Immigration and Naturalization, the Division of Information, the Division of Naturalization, and the Immigration Service at Large, the Bureau of Labor, the Children's Bureau, and the Commissioner of Labor, be, and the same hereby are, transferred from the Department of Commerce and Labor to the Department of Labor, and the same shall hereafter

remain under the jurisdiction and supervision of the last-named Department. The Bureau of Immigration and Naturalization is hereby divided into two bureaus, to be known hereafter as the Bureau of Immigration and the Bureau of Naturalization, and the titles Chief Division of Naturalization and Assistant Chief shall be Commissioner of Naturalization and Deputy Commissioner of Naturalization. The Commissioner of Naturalization or, in his absence, the Deputy Commissioner of Naturalization, shall be the administrative officer in charge of the Bureau of Naturalization and of the administration of the naturalization laws under the immediate direction of the Secretary of Labor, to whom he shall report directly upon all naturalization matters annually and as otherwise required, and the appointments of these two officers shall be made in the same manner as appointments to competitive classified civil-service positions. The Bureau of Labor shall hereafter be known as the Bureau of Labor Statistics, and the Commissioner of the Bureau of Labor shall hereafter be known as the Commissioner of Labor Statistics; and all the powers and duties heretofore possessed by the Commissioner of Labor shall be retained and exercised by the Commissioner of Labor Statistics; and the administration of the act of May thirtieth, nineteen hundred and eight, granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

SEC. 4. That the Bureau of Labor Statistics, under the direction of the Secretary of Labor, shall collect, collate, and report at least once each year, or oftener if necessary, full and complete statistics of the conditions of labor and the products and distribution of the products of the same, and to this end said Secretary shall have power to employ any or either of the bureaus provided for his Department and to rearrange such statistical work and to distribute or consolidate the same as may be deemed desirable in the public interests; and said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said Secretary of Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

SEC. 5. That the official records and papers now on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this act transferred to the Department of Labor, together with the furniture now in use in such bureau, office, department, or branch of the public service, shall be, and hereby are, transferred to the Department of Labor.

SEC. 6. That the Secretary of Labor shall have charge in the buildings or premises occupied by or appropriated to the Department of Labor, of the library, furniture, fixtures, records, and other property pertaining to it or hereafter acquired for use in its business; he shall be allowed to expend for periodicals and the purposes of the library and for rental of appropriate quarters for the accommodation of the Department of Labor within the District of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time: *Provided, however,* That where any office, bureau, or branch of the public service transferred to the Department of Labor by this act is occupying rented buildings or premises, it may still continue to do so until other suitable quarters are provided for its use: *And provided further,* That all officers, clerks, and employees

now employed in any of the bureaus, offices, departments, or branches of the public service in this act transferred to the Department of Labor are each and all hereby transferred to said Department at their present grades and salaries, except where otherwise provided in this act: *And provided further*, That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this act transferred to and made a part of the Department of Labor shall, so far as the same are not in conflict with the provisions of this act, remain in full force and effect, to be executed under the direction of the Secretary of Labor.

SEC. 7. That there shall be a Solicitor of the Department of Justice for the Department of Labor, whose salary shall be five thousand dollars per annum.

SEC. 8. That the Secretary of Labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done; and all duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this act transferred to the Department of Labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said Department of Labor.

SEC. 9. That the Secretary of Labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his Department and describing the work done by the Department. He shall also, from time to time, make such special investigations and reports as he may be required to do by the President, or by Congress, or which he himself may deem necessary.

SEC. 10. That the Secretary of Labor shall investigate and report to Congress a plan of coordination of the activities, duties, and powers of the office of the Secretary of Labor with the activities, duties, and powers of the present bureaus, commissions, and departments, so far as they relate to labor and its conditions, in order to harmonize and unify such activities, duties, and powers, with a view to further legislation to further define the duties and powers of such Department of Labor.

SEC. 11. That this act shall take effect March fourth, nineteen hundred and thirteen, and all acts or parts of acts inconsistent with this act are hereby repealed.

Approved, March 4, 1913.

APPENDIX B.

TEXT OF THE ACTS PROVIDING COMPENSATION FOR ARTISANS AND LABORERS INJURED IN THE SERVICE OF THE UNITED STATES.

[Act of May 30, 1908; 35 Stat. L., 556.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when, on or after August first, nineteen hundred and eight, any person employed by the United States as an artisan or laborer in any of its manufacturing establishments, arsenals, or navy yards, or in the construction of river and harbor or fortification work or in hazardous employment on construction work in the reclamation of arid lands or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission,¹ is injured in the course of such employment, such employee shall be entitled to receive for one year thereafter, unless such employee, in the opinion of the Secretary of Labor,² be sooner able to resume work, the same pay as if he continued to be employed, such payment to be made under such regulations as the Secretary of Labor may prescribe: *Provided*, That no compensation shall be paid under this act where the injury is due to the negligence or misconduct of the employee injured, nor unless said injury shall continue for more than fifteen days. All questions of negligence or misconduct shall be determined by the Secretary of Labor.

SEC. 2. That if any artisan or laborer so employed shall die during the said year by reason of such injury received in the course of such employment, leaving a widow, or a child or children under sixteen years of age, or a dependent parent, such widow and child or children and dependent parent shall be entitled to receive, in such portions and under such regulations as the Secretary of Labor may prescribe, the same amount, for the remainder of the said year, that said artisan or laborer would be entitled to receive as pay if such employee were alive and continued to be employed: *Provided*, That if the widow shall die at any time during the said year her portion of said amount shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any.

SEC. 3. That whenever an accident occurs to any employee embraced within the terms of the first section of this act, and which results in death or a probable incapacity for work, it shall be the duty of the official superior of such employee to at once report such accident and the injury resulting therefrom to the head of his bureau or independent office, and his report shall be immediately communicated

¹ The provision relating to the Isthmian Canal Commission is obsolete, having been superseded by separate enactment.

² The authority and duties with respect to the administration of the Government workmen's compensation act of May 30, 1908, and amendments thereto, theretofore vested in the Secretary of Commerce and Labor, were transferred by the act of Mar. 4, 1913, to the Secretary of Labor; hence this change and other similar changes in the wording of this reproduction of the act of May 30, 1908, and amendments thereto.

through regular official channels to the Secretary of Labor. Such report shall state, first, the time, cause, and nature of the accident and injury and the probable duration of the injury resulting therefrom; second, whether the accident arose out of or in the course of the injured person's employment; third, whether the accident was due to negligence or misconduct on the part of the employee injured; fourth, any other matters required by such rules and regulations as the Secretary of Labor may prescribe. The head of each department or independent office shall have power, however, to charge a special official with the duty of making such reports.

SEC. 4. That in the case of any accident which shall result in death, the persons entitled to compensation under this act or their legal representatives shall, within ninety days after such death, file with the Secretary of Labor an affidavit setting forth their relationship to the deceased and the ground of their claim for compensation under the provisions of this act. This shall be accompanied by the certificate of the attending physician setting forth the fact and cause of death, or the nonproduction of the certificate shall be satisfactorily accounted for. In the case of incapacity for work lasting more than fifteen days, the injured party desiring to take the benefit of this act shall, within a reasonable period after the expiration of such time, file with his official superior, to be forwarded through regular official channels to the Secretary of Labor, an affidavit setting forth the grounds of his claim for compensation, to be accompanied by a certificate of the attending physician as to the cause and nature of the injury and probable duration of the incapacity, or the nonproduction of the certificate shall be satisfactorily accounted for. If the Secretary of Labor shall find from the report and affidavit or other evidence produced by the claimant or his or her legal representatives, or from such additional investigation as the Secretary of Labor may direct, that a claim for compensation is established under this act, the compensation to be paid shall be determined as provided under this act and approved for payment by the Secretary of Labor.

SEC. 5. That the employee shall, whenever and as often as required by the Secretary of Labor, at least once in six months, submit to medical examination, to be provided and paid for under the direction of the Secretary, and if such employee refuses to submit to or obstructs such examination his or her right to compensation shall be lost for the period covered by the continuance of such refusal or obstruction.

SEC. 6. That payments under this act are only to be made to the beneficiaries or their legal representatives other than assignees, and shall not be subject to the claims of creditors.

SEC. 7. That the United States shall not exempt itself from liability under this act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be pro tanto void.

SEC. 8. That all acts or parts of acts in conflict herewith or providing a different scale of compensation or otherwise regulating its payment are hereby repealed.

[Act of Mar. 11, 1912; 37 Stat. L., 74]

That the provisions of the act approved May thirtieth, nineteen hundred and eight, entitled "An act granting to certain employees of the United States the right to receive from it compensation for

injuries sustained in the course of their employment," shall, in addition to the classes of persons therein designated, be held to apply to any artisan, laborer, or other employee engaged in any hazardous work under the Bureau of Mines or the Forestry Service of the United States: *Provided*, That this act shall not be held to embrace any case arising prior to its passage.

[Amending act of July 27, 1912; 37 Stat. L., 239.]

And hereafter the benefits of the act of May thirtieth, nineteen hundred and eight (Thirty-fifth Statutes, page five hundred and fifty-six), entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall be extended to persons employed by the United States in any hazardous employment in the Lighthouse Service * * *.

The organic act creating the Department of Labor (37 Stat. L., 736) provides in section three that—

All the powers and duties heretofore possessed by the Commissioner of Labor shall be retained and exercised by the Commissioner of Labor Statistics; and the administration of the act of May thirtieth, nineteen hundred and eight, granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

Under date of April 3, 1913, the Attorney General rendered an opinion that the final authority to determine claims arising under the compensation act rests in the Secretary of Labor, and not in the Commissioner of Labor Statistics. (30 Op. At. Gen., 145.)

REGULATIONS CONCERNING COMPENSATION TO INJURED GOVERNMENT EMPLOYEES.

DUTIES OF EMPLOYEES.

1. **Reports of injuries.**—Whenever any injury is sustained by an employee in the course of his employment, he shall immediately report the same to his official superior, if he is able to do so, giving also a statement of the facts and the names of witnesses, if any.

2. **First-aid treatment.**—No matter how slight the injury sustained, the injured employee shall immediately apply to the dispensary or medical officer, if there be one, for examination and for first-aid treatment, and it shall be the duty of his official superior to direct him to do so.

3. **Reports of disability.**—In case the disability arises some time after the injury has been received, it shall be the duty of the injured employee to notify his official superior within 48 hours from the beginning of such disability.

4. **Treatment.**—It shall be the duty of each injured employee intending to take advantage of the provisions of the act to obtain necessary medical and surgical treatment and to comply with all reasonable orders for treatment and conduct which the attending physician may give. He shall also submit to such medical examinations as his official superior may from time to time direct.

5. **Notices of continuing disability.**—Every employee injured in the course of employment who is unable to return to work because of such injury, shall, within 24 hours, inform his official superior of such fact, either in person or by mail, telephone, or messenger. Such notice shall be given by the injured employee or for him every week, unless, in the opinion of the official superior, the permanent nature of the injury makes this notice unnecessary. Such notice should state when the injured employee was last seen by his attending physician.

6. **Examinations.**—For the purpose of the medical examinations prescribed by the act, the injured employee shall appear at the dispensary of the establishment whenever directed to do so; but if he claims to be unable to present himself for such examination the medical officer or other officially designated physician may call at the residence of the injured employee in order to make an examination. The injured employee shall be entitled to have his attending physician present during such examination.

7. **Disagreements.**—If the injured employee refuses to accept the opinion of the official examining physician as to his ability to resume work, either because of a different opinion held by his private physician or for any other reason, the employee shall immediately so report to his official superior, who will in turn report the same to the Secretary of Labor. In case there is a local referee physician representing the Department of Labor, the employee should be directed at once to report to him for examination, and the referee physician should be informed in writing as to the history of the case and the question or questions in dispute. The facts, including the findings of the referee physician, should then be reported to the Secretary of Labor.

8. **Examinations by order of the Department of Labor.**—On receipt of reports concerning disagreement between the claimant or his physician and the official examining physician, the Secretary of Labor will immediately order an examination of the claimant by a physician designated by him, so as to ascertain the claimant's physical condition, unless an examination has already been made by the referee physician representing the Department of Labor; and if the employee refuses to submit to or obstructs such examination, the right to compensation shall be lost for the period covered by the continuance of such refusal or obstruction.

9. **Claims.**—The claim, properly filled out, must be presented by the injured employee to his official superior, who shall forward the same, with the statements of witnesses, if there were witnesses, through the regular official channels for transmission to the Secretary of Labor.

10. **Certificates.**—In cases of continuing disability the injured employee shall furnish such medical certificates from time to time as the official superior may require.

11. **Disregard of instructions.**—Where an injured employee shall fail to make any of the reports prescribed in these regulations, or refuses to submit himself to examination by the medical officer or other officially designated physician, when ordered by his official superior to do so, such refusal or failure will be considered by the Secretary of Labor as presumptive evidence against his right to compensation under the law.

DUTIES OF OFFICIAL SUPERIORS,

12. Record of accident.—Whenever an accident causing injury to an employee comes to the knowledge of the person in charge of such employee he should immediately secure a record of the cause and nature of the accident and the nature and extent of the injury, however slight. The names and testimony of witnesses should also be secured, and the employee directed to apply to the dispensary or medical officer, if there be one, for examination and first-aid treatment.

13. Reports of injuries.—All injuries which prevent the employee from performing work for one day or longer should be reported to the Secretary of Labor by the official superior of such employee, on the form provided for that purpose, within 48 hours after such injuries have been brought to the notice of such official superior. The reports called for in paragraphs numbered 1, 3, 13, 14, and 16 should be made for all employees regardless of the application of the provisions governing compensation.

14. Report of termination of disability.—Whenever a person who has been reported disabled by an accident is able to return to work his official superior should immediately report the termination of such disability to the Secretary of Labor on the proper form.

15. Disagreements.—The official superior should make immediate report directly to the Secretary of Labor of all cases of disagreement between the injured employee and the official examining physician as to the ability of the employee to resume work, unless the employee has already been directed to report to a local referee physician, representing the Department of Labor, in which case the findings of the referee physician, together with the other facts in the case, should be reported to the Secretary of Labor.

16. Report of death.—Whenever an injury received in the course of employment results in death, either immediately or within one year thereafter, such death should be reported on the proper form as soon as possible after the knowledge of such death reaches the official superior of the deceased employee.

17. Blanks to be furnished.—Whenever the official superior of an injured employee has reason to believe from the statement of the medical officer or other officially designated physician, or from any other evidence, that disability has lasted more than 15 days, he should furnish such employee with a blank form for claim and call his attention to the provisions of the compensation act. Blank forms should be furnished upon request to any employee wishing to make a claim.

18. Indorsement of claims.—The official superior or other person designated should either fill out and sign the certificate of approval provided for that purpose, or indicate the reasons for his refusal to give his approval. In either case, statements of witnesses, if any, and copies of the records of the examination of the claimant by the medical officer or officially designated physician, if such examinations have been made, should be attached to the claim, and the entire record submitted to the Secretary of Labor, to whom the determination of the validity of all claims is committed by the act.

19. Claims to be forwarded.—All claims for compensation when filled out and presented by injured employees to their official superiors should be forwarded by them through the regular official channels

for transmission to the Secretary of Labor. No letter of transmittal is necessary. All information desired should be made part of the indorsement on such claims.

20. Approval or disapproval.—Notice of the approval or disapproval of claims will be forwarded from the office of the Secretary of Labor to the heads of the respective departments, or independent office, for transmittal to the official superior of the employee.

21. Payments.—Payments under this law should be made at the regular intervals at which salaries are paid to all employees, except payments accrued before the receipt of the approved claim, which should be made as soon after the receipt of the approval as possible so as to avoid unnecessary hardship to the employee. If subsistence is furnished during employment but not during the period of disability, the value of the subsistence should be allowed to the injured workman during disability in addition to the wages usually paid in cash.

When compensation is approved for a fixed period, payment may be made on the authority of such approval without further evidence.

When compensation is approved for an indefinite period, each payment shall be based upon the certificate signed by the claimant and approved by the claimant's official superior to the effect that during the time covered by the said payment the claimant was unable to resume work and that inability to so resume work was the result of the injury for which compensation was granted.

In no case shall leave, annual or sick, be charged against any portion of the period for which compensation is due.

22. Certificates.—If the claimant's superior officer is unable to satisfy himself that the claimant was unable to resume work for any period for which compensation is claimed, he may require that the claimant submit to him a certificate from a duly authorized medical practitioner showing the continuance of the inability to resume work.

23. Special examinations.—If this medical certificate is satisfactory to the official superior, he should then approve payment; but if the certificate does not satisfy him he may require the medical officer or officially designated physician, where such is available, to examine the claimant for the purpose of ascertaining whether the disability still exists.

24. Payments withheld.—In all cases where the continuance of disability has not been proved to the satisfaction of the superior officer, or where the results of the examination of the claimant by the medical officer or officially designated physician are contradictory to the statements of the attending physician, payments should be withheld and a report of these facts should be immediately forwarded directly to the Secretary of Labor. A detailed report of the examination of the claimant by the medical officer or officially designated physician, if any has been made, should accompany this report, together with the statement of the employee and a certificate of his attending physician.

25. Examination by physician of Department of Labor.—On receipt of reports concerning disagreement between the claimant or his physician and the official superior, the Secretary of Labor will immediately order an examination of the claimant by a physician designated by him, so as to ascertain the claimant's ability to return

to work, unless an examination has already been made by the referee physician representing the Department of Labor.

26. Decision.—The decision of the Department will then be communicated to the official superior. If the claim of the injured person be sustained, the amount due him should be paid as soon as possible after the receipt of the decision.

27. Discontinuance of payments.—When payments are discontinued because of recovery or other reason, such fact should be reported to the Department of Labor on the blanks furnished for that purpose.

28. Examination at end of six months.—Whenever compensation has been paid for any case of disability for five months and there is a possibility of the disability lasting so as to extend over six months, or whenever there is a possibility of the disability extending beyond the date to which payment has been authorized, the official superior of the injured employee should report the fact to the Secretary of Labor, so as to enable him to order as soon as possible a medical examination, or take such other action as may be necessary.

29. Death.—Whenever a person in the employ of the Government shall die as the result of injury received in the course of his employment, and his wife, his children under 16 years of age, or his parents desire to claim payment under this act, they should be furnished with blank forms of claim for compensation. If the official superior has reason to believe that the person so injured is covered by the provisions of the law, he should inform the dependent relatives, if the names and addresses of such relatives can be ascertained by him, of the necessary procedure under the law and the provision as to the 90-day limit.

If the persons who may be entitled to compensation on account of the death of an employee are located in a foreign country, they may file their affidavits of claim with the consular officer of the United States located most conveniently, and any affidavit so filed within 90 days after the death will be considered as having been duly filed with the Secretary of Labor, as required by section 4 of the compensation act.

It was held by the Department of Commerce and Labor that the 90-day proviso of the act was mandatory, but the Department of Labor construes it to be directory and not mandatory, so that claims not submitted within 90 days after death may be allowed upon receipt of satisfactory explanation of the delay.

30. Death benefits.—Claims for compensation on account of death should be forwarded to the Secretary of Labor. If the claim be established and compensation is due to more than one person the Secretary of Labor will designate the portion to be paid to each claimant.

31. Employees to have laws and regulations.—Copies of the law and the regulations should be on hand in each establishment and, upon request, furnished free to all employees for their information and guidance.

A summary prepared by the Secretary of Labor, presenting the principal provisions of the compensation act and the regulations governing its application, should be posted in establishments affected by the act, in such numbers and places as to be easily accessible to all the workmen.

DUTIES OF MEDICAL OFFICERS.

32. **First-aid treatment.**—The medical officer of each establishment or his assistant, where such services are available, should render such immediate aid as is necessary to each employee of the establishment injured while on duty, and make a report to the head of the establishment of the exact extent of the injury and the nature of the treatment administered, and a detailed record of the same should be kept on file in his office.

33. **Subsequent examinations.**—The medical officer or officially designated physician should examine the injured employee as frequently as is necessary in his opinion, or in the opinion of the head of the establishment, during the absence of such employee from his work.

34. **Records.**—A record of each examination by the medical officer or officially designated physician should be made in detail and contain an accurate description of the general condition of the employee, the state of the injuries, and an opinion as to whether the disability still continues. Such record should be kept on file in the office of the medical officer or officially designated physician, and reports of the findings should be made to the head of the establishment.

35. **Treatment.**—The medical officer or officially designated physician should ascertain whether the injured employee is under treatment of a duly licensed practitioner of medicine, and if he find this not to be the case he should inform the injured employee of the necessity of medical attendance whenever such necessity exists.

36. **Opinion as to termination of disability.**—The medical officer or officially designated physician making any examination should inform the injured employee of his opinion concerning the continuance or termination of disability.

FORMS FOR USE IN ADMINISTERING THE COMPENSATION ACT.

The following blank forms are required for the purposes of administering the act:

- C. A.—1b. Immediate Report of Injury.
- C. A.—2b. Report of Termination of Disability.
- C. A.—3a. Report of Death from Injury.
- C. A.—4b. Claim for Compensation on Account of Injury.
- C. A.—7a. Certificate of Disability.
- C. A.—8. Request for Medical Examination.
- C. A.—15a. Report of Discontinuance of Compensation Payments.
- C. A.—16b. Claim for Compensation on Account of Death.
- C. A.—19a. Regulations Governing the Application of the Act of May 30, 1908.
- C. A.—20a. Notice of Right to Compensation (for posting).

A supply of these forms will be furnished each department and independent establishment by the Secretary of Labor, upon request. Official superiors should procure necessary forms from the head of their department, bureau, or establishment.

Approved.

APPENDIX C.

IMMIGRATION LAWS AND RULES.

NOTE.—The immigration act of February 20, 1907, repeals the act of March 3, 1903, and all prior acts or parts of acts inconsistent with the new law. On pages 172 to 185 are published such portions of the prior acts as are not repealed by or reenacted in the act of February 20, 1907; also the act of March 2, 1907, regarding expatriation; an extract from the sundry civil appropriation act of March 4, 1909, the act relative to outward alien manifests of March 4, 1909, and the "White-slave traffic act" of June 25, 1910. If necessary to refer to the old acts, they may be found in the United States Statutes at Large, as follows:

Act approved March 3, 1875: 18 Stat., part 3, page 477.
Act approved August 3, 1882: 22 Stat., page 214.
Act approved June 26, 1884 (sec. 22 only): 23 Stat., page 58.
Act approved February 26, 1885: 23 Stat., page 332.
Act approved February 23, 1887: 24 Stat., page 414.
Act approved October 19, 1888: 25 Stat., page 565.
Act approved March 3, 1891: 26 Stat., page 1084.
Act approved February 15, 1893 (sec. 7): 27 Stat., page 449.
Act approved March 3, 1893: 27 Stat., page 569.
Act approved August 18, 1894: 28 Stat., page 390.
Act approved March 2, 1895: 28 Stat., page 780.
Act approved June 6, 1900: 31 Stat., page 611.
Act approved April 29, 1902: 32 Stat., part 1, page 176.
Act approved March 3, 1903: 32 Stat., part 1, page 1213.
Act approved March 22, 1904: 33 Stat., part 1, page 144.
Act approved April 28, 1904: 33 Stat., part 1, page 591.
Act approved February 3, 1905: 33 Stat., part 1, page 684.

ACT OF FEBRUARY 20, 1907 (34 Stat., 898), AS AMENDED BY THE ACTS OF MARCH 26, 1910 (36 Stat., 263), AND MARCH 4, 1913.

An Act To regulate the immigration of aliens into the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a tax of four dollars for every alien entering the United States.¹ The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States. The money thus collected, together with all fines and rentals² collected under the laws regulating the immigration of aliens into the United States, shall be paid into the Treasury of the United States, and shall constitute a permanent appropriation to be called the "immigrant fund,"³ to be used under the direction of the Secretary of Labor to defray the expense of regulating the immigration of aliens into the United States under said laws, including the contract labor laws, the cost of reports of decisions of the Federal courts, and digest thereof, for the use of the Commissioner General of Immigration, and the salaries and expenses

¹ For specific exceptions, see Rule 1.

² For method of depositing fines and rentals, see Rule 30; for procedure in collecting fines and reporting suits for collection, see Rules 28 and 29.

³ The "immigrant fund" was abolished by the appropriations act of Mar. 4, 1909 (35 Stat. L., 945, 981-982).

of all officers, clerks, and employees appointed to enforce said laws. The tax imposed by this section shall be a lien upon the vessel, or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel, or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied upon aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor upon otherwise admissible residents of any possession of the United States, nor upon aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor, by agreement with transportation lines, as provided in section thirty-two of this Act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory:¹ *Provided further*, That if in any fiscal year the amount of money collected under the provisions of this section shall exceed two million five hundred thousand dollars, the excess above that amount shall not be added to the "immigrant fund:" *Provided further*, That the provisions of this section shall not apply to aliens arriving in Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply:² *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone.³

SEC. 2.⁴ That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge;⁵ professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn

¹ See Rules 1, 12, and 13.

² See Rules 1 and 14.

³ For President's proclamation and regulations drawn thereunder, see Rule 11.

⁴ As amended by act approved Mar. 26, 1910.

⁵ For provisions for landing under bond persons likely to become public charges and persons certified for physical defects, see Rule 17.

a living; ¹ persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under sixteen years of age unaccompanied by one or both of their parents, at the discretion of the Secretary of Labor or under such regulations as he may from time to time prescribe: ² *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *And provided further*, That skilled labor may be imported if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

SEC. 3.³ That the importation into the United States of any alien for the purpose of prostitution or for any other immoral purpose is hereby forbidden; and whoever shall, directly or indirectly, import or attempt to import, into the United States, any alien for the purpose of prostitution or for any other immoral purpose, or whoever shall hold or attempt to hold any alien for any such purpose in pursuance of such illegal importation, or whoever shall keep, maintain, control, support, employ, or harbor in any house or other place, for

¹ For provisions for landing under bond persons likely to become public charges and persons certified for physical defects, see Rule 17.

² See Rule 6.

³ As amended by act approved Mar. 26, 1910.

the purpose of prostitution or for any other immoral purpose, in pursuance of such illegal importation, any alien, shall, in every such case be deemed guilty of a felony, and on conviction thereof be imprisoned not more than ten years and pay a fine of not more than five thousand dollars. Jurisdiction for the trial and punishment of the felonies hereinbefore set forth shall be in any district to or into which said alien is brought in pursuance of said importation by the person or persons accused, or in any district in which a violation of any of the foregoing provisions of this section occur. Any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; or who is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists, protects, or promises to protect from arrest any prostitute, shall be deemed to be unlawfully within the United States and shall be deported in the manner provided by sections twenty and twenty-one of this act. That any alien who shall, after he has been debarred or deported in pursuance of the provisions of this section, attempt thereafter to return to or to enter the United States shall be deemed guilty of a misdemeanor, and shall be imprisoned for not more than two years. Any alien who shall be convicted under any of the provisions of this section shall, at the expiration of his sentence, be taken into custody and returned to the country whence he came, or of which he is a subject or a citizen in the manner provided in sections twenty and twenty-one of this act.¹ In all prosecutions under this section the testimony of a husband or wife shall be admissible and competent evidence against a wife or husband.

SEC. 4. That it shall be a misdemeanor for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the terms of the last two provisos contained in section two of this act.

SEC. 5. That for every violation of any of the provisions of section four of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

¹ See Rule 22.

SEC. 6. That it shall be unlawful and be deemed a violation of section four of this act to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under promise or agreement as contemplated in section two of this act, and the penalties imposed by section five of this act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

SEC. 7. That no transportation company or owner or owners of vessels, or others engaged in transporting aliens into the United States, shall, directly or indirectly, either by writing, printing, or oral representation, solicit, invite, or encourage the immigration of any aliens into the United States, but this shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision, any such transportation company, and any such owner or owners of vessels, and all others engaged in transporting aliens into the United States, and the agents by them employed, shall be severally subjected to the penalties imposed by section five of this act.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.

SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination

of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Labor.¹

SEC. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this act.²

SEC. 11. That upon the certificate of a medical officer of the United States Public Health Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.³

SEC. 12. That upon the arrival of any alien by water at any port within the United States⁴ it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the name and address of the nearest relative in the country from which the alien came; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States, and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause; that it shall further be the duty of the master or commanding officer of every vessel taking alien passengers out of the United States, from

¹ For method of imposing, see Rule 28.

² See Rule 17; also latter part of section 25.

³ See Rule 5.

⁴ For the procurement of manifests from Canadian transportation companies, see subdivision 4, Rule 12.

any port thereof, to file before departure therefrom with the collector of customs of such port a complete list of all such alien passengers taken on board. Such list shall contain the name, age, sex, nationality, residence in the United States, occupation, and the time of last arrival of every such alien in the United States, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the collector of customs at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each alien taken on board his vessel;¹ and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section fifteen of this act.² That the collector of customs with whom any such list has been deposited in accordance with the provisions of this section, shall promptly notify the Commissioner General of Immigration that such list has been deposited with him as provided, and shall make such further disposition thereof as may be required by regulations to be issued by the Commissioner General of Immigration with the approval of the Secretary of Labor: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner General of Immigration, with the approval of the Secretary of Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of the master or commanding officer of any vessel sailing from ports in the Philippine Islands, Guam, Porto Rico, or Hawaii to any port of the United States on the North American Continent to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation, giving the names of all aliens on board said vessel.

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath of [or] affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or imbecile, or a feeble-minded person, or insane person, or a pauper, or is likely to become a public charge, or is afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or is a person who has been convicted of, or who admits having committed a felony or other crime or misdemeanor involving moral turpitude, or is a polygamist or one admitting belief in the practice of polygamy, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, or a woman or girl coming to the United States for

¹ For the procurement of manifests from Canadian transportation companies, see subdivision 4, Rule 12

² For method of imposing fine, see Rule 29.

the purpose of prostitution, or for any other immoral purpose, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

SEC. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists for manifests shall be made by some competent surgeon employed by the owners of the said vessel.¹

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof, as required in sections twelve, thirteen, and fourteen of this act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid: *Provided*, That in the case of failure without good cause to deliver the list of passengers required by section twelve of this act from the master or commanding officer of every vessel taking alien passengers out of the United States, the penalty shall be paid to the collector of customs at the port of departure and shall be a fine of ten dollars for each alien not included in said list; but in no case shall the aggregate fine exceed one hundred dollars.²

SEC. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of incoming aliens provided for in sections twelve, thirteen, and fourteen of this act, it shall be the duty of said officers to go or to send competent assistants to the vessel to which said lists or manifests refer, and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

SEC. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health Service, who shall have had at least two years' experience

¹ See subdivision 5, Rule 2.

² For procedure, see Rule 29.

in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Public Health Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service, upon such terms as may be prescribed by the Commissioner General of Immigration under the direction or with the approval of the Secretary of Labor. The United States Public Health Service shall be reimbursed by the immigration service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of Labor.

SEC. 18. That it shall be the duty of the owners, officers, or agents of any vessel or transportation line, other than those railway lines which may enter into a contract as provided in section thirty-two of this act, bringing an alien to the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the negligent failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and be punished by a fine in each case of not less than one hundred nor more than one thousand dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported as provided in sections twenty and twenty-one of this act.¹

SEC. 19. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back to the country whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessel shall refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens, or shall fail to detain them thereon, or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than three hundred dollars for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner General of Immigration, with the approval of the Secretary of Labor, may suspend, upon conditions to be prescribed by the Commissioner General of Immigration, the deportation of any alien found to have come in violation of any provision of this act, if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of

¹ See Rule 22.

offenders against any provision of this act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund"¹ but no alien certified, as provided in section seventeen of this act, to be suffering from tuberculosis or from a loathsome or dangerous contagious disease other than one of quarantinable nature shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Labor:² *Provided*, That upon the certificate of a medical officer of the United States Public Health Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the "immigrant fund," be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported.³

SEC. 20. That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing shall, upon the warrant of the Secretary of Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the "immigrant fund" provided for in section one of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessel or transportation line by which such aliens respectively came:⁴ *Provided*, That pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than five hundred dollars with security approved by the Secretary of Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.⁴

SEC. 21. That in case the Secretary of Labor shall be satisfied that an alien has been found in the United States in violation of this act, or that an alien is subject to deportation under the provisions of this act or of any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section twenty of this act,³ and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section nineteen of this act: *Provided*, That when in the opinion of the Secretary of Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her

¹ See Rule 25.

² See Rule 19.

³ See Rule 22.

⁴ See subdivision 5, Rule 22.

final destination, and the expense incident to such service shall be defrayed in like manner.¹

SEC. 22. That the Commissioner General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of Labor, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid;² all under the direction or with the approval of the Secretary of Labor. And it shall be the duty of the Commissioner General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: *Provided*, That the Commissioner General of Immigration may, with the approval of the Secretary of Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons, in accordance with the provisions of section seventeen, for service in foreign countries.

SEC. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared, under the direction or with the approval of the Secretary of Labor.

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Labor, upon the recommendation of the Commissioner General of Immigration and in accordance with the provisions of the civil-service act of January sixteenth, eighteen hundred and eighty-three: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw from the "immigrant fund" annually fifty thousand dollars, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of

¹ For procedure for providing attendant, see Rule 23.

² For deportation by consent of alien, see Rule 24.

Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths¹ and to take and consider evidence touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered under the provisions of this act who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

SEC. 25. That such boards of special inquiry shall be appointed by the commissioner of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of Labor, upon the recommendation of the Commissioner General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal,² through the commissioner of immigration at the port of arrival and the Commissioner General of Immigration to the Secretary of Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision which shall be rendered solely upon the evidence adduced before the board of special inquiry: *Pro-*

¹ When such officials are detailed to investigate frauds or attempts to defraud the Government, or any irregularity or misconduct of any officer or agent of the United States, sec. 183, Rev. Stat., as amended by the act approved Feb. 13, 1911 (36 Stat. L., 898), should be relied upon for authority to administer oaths to witnesses.

² See Rule 17.

vided, That in every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Labor; but nothing in this section shall be construed to admit of any appeal in the case of an alien rejected as provided for in section ten of this act.

SEC. 26. That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary in such amount and containing such conditions as he may prescribe, to the people of the United States, holding the United States or any State, Territory, county, municipality, or district thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, district, county, or municipality in which such alien becomes a public charge.¹

SEC. 27. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 28. That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters the laws or parts of laws repealed or amended by this act are hereby continued in force and effect.

SEC. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act.

SEC. 30. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor, may prescribe: *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the Treasury of the United States to the credit of the "immigrant fund" provided for in section one of this act.

SEC. 31. That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the pur-

¹ See subdivisions 5 and 6, Rule 17, as to circumstances under which accepted.

pose of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 32. That the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose.¹

SEC. 33. That for the purpose of this act the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone: *Provided*, That if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

SEC. 34. That the Commissioner General of Immigration, with the approval of the Secretary of Labor, may appoint a commissioner of immigration to discharge at New Orleans, Louisiana, the duties now required of other commissioners of immigration at their respective posts.

SEC. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

SEC. 36. That all aliens who shall enter the United States except at the seaports thereof, or at such place or places as the Secretary of Labor may from time to time designate, shall be adjudged to have entered the country unlawfully and shall be deported as provided by sections twenty and twenty-one of this act:² *Provided*, That nothing contained in this section shall affect the power conferred by section thirty-two of this act upon the Commissioner General of Immigration to prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico.

SEC. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife, or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Labor shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable or that they can be permitted to land without danger to other persons, they shall, if otherwise admissible, thereupon be admitted.³

¹ For arrangement on Canadian border, see Rule 12; on Mexican border, Rule 13.

² See Rule 22.

³ See Rule 19.

SEC. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Labor under such rules and regulations as he shall prescribe. That any person who knowingly aids or assists any such person to enter the United States or any territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Labor, shall be fined not more than five thousand dollars, or imprisoned for not more than five years, or both.

SEC. 39. That a commission is hereby created, consisting of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and three persons, to be appointed by the President of the United States. Said commission shall make full inquiry, examination, and investigation by subcommittee or otherwise into the subject of immigration. For the purpose of said inquiry, examination, and investigation, said commission is authorized to send for persons and papers, make all necessary travel, either in the United States or any foreign country, and, through the chairman of the commission or any member thereof to administer oaths and to examine witnesses and papers respecting all matters pertaining to the subject, and to employ necessary clerical and other assistance. Said commission shall report to the Congress the conclusions reached by it and make such recommendations as in its judgment may seem proper. Such sums of money as may be necessary for the said inquiry, examination, and investigation are hereby appropriated and authorized to be paid out of the "immigrant fund" on the certificate of the chairman of said commission, including all expenses of the commissioners and a reasonable compensation, to be fixed by the President of the United States, for those members of the commission who are not members of Congress; and the President of the United States is also authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral, and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to

prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration.

SEC. 40. Authority is hereby given the Commissioner General of Immigration to establish, under the direction and control of the Secretary of Labor, a Division of Information in the Bureau of Immigration; and the Secretary of Labor shall provide such clerical assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens who may ask for such information at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner General of Immigration, subject to the approval of the Secretary of Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner General of Immigration, who, with the approval of the Secretary of Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted.

SEC. 41. That nothing in this act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or guests.¹

SEC. 42.² * * *

SEC. 43. That the act of March third, nineteen hundred and three, being an act to regulate the immigration of aliens into the United States, except section thirty-four thereof, and the act of March twenty-second, nineteen hundred and four, being an act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section six, chapter four hundred and fifty-three, third session Fifty-eighth Congress, approved February sixth, nineteen hundred and five, or, prior to January first, nineteen hundred and nine, section one of the act approved August second, eighteen hundred and eighty-two, entitled "An act to regulate the carriage of passengers by sea."

SEC. 44. That this act shall take effect and be enforced from and after July first, nineteen hundred and seven: *Provided, however*, That

¹ See subdivision 3(a), Rule 1.

² As section 42 relates wholly to an amendment to the navigation law, it is omitted.

section thirty-nine of this act and the last proviso of section one shall take effect upon the passage of this act and section forty-two on January first, nineteen hundred and nine.

Approved, February 20, 1907.

IMMIGRATION RULES OF NOVEMBER 15, 1911.

NOTE.—The act entitled “An act to regulate the immigration of aliens into the United States,” approved February 20, 1907, is the immigration act or law referred to in the following (revised) rules. All numbered sections mentioned in the rules refer to those of said act unless stated to the contrary. These rules apply to aliens seeking admission to each and every portion of the United States except the Philippine Islands, in which territory the immigration laws are administered by officers of the general government of those islands.

Rule 1.—COLLECTION OF HEAD TAX.¹

SUBDIVISION 1. *Notice to collector.*—Upon the arrival of aliens at a seaport of the United States or at any designated port of entry on the Mexican border, the immigration officer there in charge shall certify to the collector of customs the number of such aliens other than those described in subdivision 3 hereof, together with the name of the transportation agent or other person responsible for the payment of head tax due in respect of them, and shall specify (1) how many of said aliens have been held for special inquiry, (2) how many claim to enter for the purpose of passing in transit through the United States,² and (3) how many make unsupported claims to American citizenship.³ Thereupon the collector of customs shall forthwith collect a tax of \$4 for each alien so certified.

SUBD. 2. *Special deposits and refunds.*—Collections pertaining to passengers of classes (1), (2), and (3), above referred to, shall be held in a special deposit, to be refunded as to such of the former as are deported and as to such of the latter as are promptly shown to the satisfaction of said immigration officer, and in any event within 60 days of the time of entry, to have left the United States within 30 days of the time of entry. Collections not so refunded shall be accounted for in the regular manner and covered into the Treasury. Where proof of departure as to class (2) or proof of American citizenship as to class (3) is not submitted until after 60 days of the time of entry, the case shall be reported to the bureau.

No application for refund of head tax erroneously collected will be considered by the Bureau if presented after 60 days from the time of entry unless satisfactory reason for the delay is shown in writing.⁴

SUBD. 3. *Other exemptions from head tax.*—The head tax shall not be levied in respect of the following classes of aliens:

(a) Diplomatic and consular officers and other accredited officials of foreign governments, their suites, families, and guests, for whatsoever purpose they come.

(b) Aliens entering the United States from Canada, Newfoundland, Cuba, or Mexico, whose legal domicile or bona fide residence was in one of these countries for at least one year immediately pre-

¹ This rule applies to all aliens except those arriving via Canada, as to which see Rule 12.

² An alien may enter and leave the United States by the same port and still be an “in transit” passenger.

³ See Bureau circular dated Feb. 11, 1912.

⁴ Refund of a head tax covered into the Treasury can not be made by the bureau after the appropriation for regulating the expenses of immigration for the fiscal year has been exhausted. See also in this connection the act of Feb. 3, 1905, and footnote thereto (post, p. 176).

ceding such entry.¹ This exemption shall not be lost merely by reason of temporary absences of short duration therefrom,² nor merely because instead of entering the United States from Canada, Newfoundland, Cuba, or Mexico the aliens come by way of some other foreign country in which they had sojourned temporarily.³

(c) Aliens reentering the United States from Canada, Newfoundland, Cuba, or Mexico, who are citizens thereof but who have acquired a legal domicile or bona fide residence in the United States, and who are returning from a visit to one of the said countries, notwithstanding the period of a full year has not intervened between the date of their departure from and the date of their return to the United States.

(d) Aliens, otherwise admissible, who are residents of any possession of the United States and who at the time of admission to such possession paid head tax.

(e) Aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory.

(f) Aliens arriving in Guam, Porto Rico, or Hawaii; but if any such person, still being an alien, shall later reach a United States port on the North American continent, head tax must be paid in respect of him.

(g) Aliens who starting from a port of the United States return thereto after a continuous sea trip or cruise without change of vessel.

(h) Aliens as to whom the immigration officer in charge is satisfied beyond a reasonable doubt that they come only to visit the United States for a short period, whether for pleasure (including tourists) or on business.⁴

(i) Aliens who come to the United States from Porto Rico or Hawaii and who reached those places prior to July, 1907, and present an appropriate certificate.⁵

(j) Bona fide seamen who land in the United States pursuant to their calling.⁶

Rule 2.—MANIFESTS.

SUBDIVISION 1. *How to be written.*—All manifests must be written legibly, preferably on a typewriting machine, and in the English language, and such as are not may be rejected by the immigration officer in charge and inspection of the aliens to which they relate deferred until a proper manifest is presented.⁷

SUBD. 2. *Grouping by locality and family.*—In furtherance of the requirement of section 13 that the groups in which aliens are listed shall be "convenient," transportation companies shall, so far as practicable, assemble or group together all aliens coming from the same locality; also all members of a family. Where the members of a family travel in different classes appropriate cross references to

¹ Form 594.

² Opinion Solicitor Department of Commerce and Labor, Oct. 30, 1907.

³ *Ib.*, July 15, 1908.

⁴ First-class round-trip tickets or through transportation are some of the circumstances which may tend to indicate that an alien comes within this class.

⁵ Form 546.

⁶ In addition to any proof furnished through the appropriate forms, the local officers are at liberty to require such further proof as they deem necessary to satisfy them that a given alien is entitled to exemption under this subdivision.

⁷ The practice of furnishing blank books to transportation companies in order that they may prepare alphabetical indexes and thus facilitate reference to the manifests shall be continued.

this fact should be made on the several manifest sheets on which their names are listed, so that the immigration authorities may consider their cases together.

SUBD. 3. *Foreign officials*.—The only statistical information required concerning foreign officials duly accredited by their governments, including diplomatic and consular officers, their suites, families or guests, is their names and titles.

SUBD. 4. *Stowaways*.—Alien stowaways shall be manifested and produced for inspection in the same manner as are other aliens, and the fact that they were stowaways shall be indicated on the manifest.

SUBD. 5. *When no surgeon on board*.—The certificate (unverified) of a reputable surgeon located at the point of embarkation or at the last port of call, in the form appearing upon the reverse side of the manifest,¹ shall be a sufficient proof of compliance with the requirement of section 14 that when no surgeon sails with a vessel bringing aliens their mental and physical examination shall be made by "some competent surgeon employed by the owners of the said vessel."

Rule 3.—INSPECTION, WHERE CONDUCTED.

The appropriate immigration officers may conduct the inspection of aliens (including medical examination and examination before boards of special inquiry) and detain them or order them detained pending determination of their right to land and after exclusion, either on the vessel or at any other place to which they may be temporarily removed by the direction or with the consent of such immigration officers. Whenever a temporary removal of aliens is made to a building existing for their detention and examination, or to any hospital or elsewhere, such removal shall not be regarded in any sense as a landing.²

Rule 4.—PRIMARY INSPECTION AND DETENTION.

SUBDIVISION 1. *Determination of admissibility, in general*.—The appropriate immigration officers shall, as to each alien applying to enter the United States, determine, as promptly as in their estimation the circumstances permit, whether or not he is clearly and beyond a doubt entitled to land.

SUBD. 2. *Postponement, if alien in hospital*.—Where upon arrival or pending determination as to his right to land an alien is placed in hospital suffering from a disability which in the opinion of such officers renders it impracticable correctly to apply the immigration law to his case, inspection may be postponed during the pendency of such disability.

SUBD. 3. *Postponement, if member of family in hospital*.—Where in the estimation of the appropriate immigration officers the cases of members of a family are interdependent, and a member is detained in hospital from a disability of the character described in subdivision 2 of this rule, the determination of such cases may be postponed until the member detained in hospital has been discharged therefrom.³

¹ Form 1500.

² See sec. 16 and Rule 26; also act approved Oct. 22, 1913.

³ Typical instances hereof are (1) where the afflicted member is a minor or one otherwise dependent, requiring an accompanying alien in the event of deportation, one or the other parent being the proper person to select for such purpose, and the effect of depriving the remaining members of the family of the care of such parent would be to render some or all of them persons likely to become public charges; (2) where the afflicted member is the head of the family, and its only breadwinner, and his physical condition, due presumably to temporary causes, is such that he could not travel if either admitted or ordered deported and the cases of remaining members of the family depend upon the disposition made of his case.

SUBD. 4. *Immediate determination, upon certain conditions.*—In cases arising under subdivision 3 of this rule where the member in hospital is in no manner necessary to the support of the remaining members of the family, and he is presumably eligible to land provided he recover, such remaining members may be forthwith inspected and, if found eligible, landed upon the deposit (1) of a sum of money (or ticket covering transportation and money) sufficient to defray the expenses of conveying the detained member to final destination, and (2) if for infancy or any other cause he may require an attendant when traveling or in process of deportation, of a further sum sufficient to cover the cost of the services and transportation to and fro of such an attendant, unless satisfactory assurances are given that a proper attendant will be furnished without charge to the Government.

Rule 5.—ACCOMPANYING ALIENS.

Where, in the estimation of the appropriate immigration officials, an alien likely to be rejected as helpless under section 11 arrives accompanied by one or more aliens whose protection or guardianship he will, if rejected, require, one of such accompanying aliens (preferably a relative or natural guardian) shall be detained and the determination of his case may be postponed until after that of the alien whom he accompanies.

Rule 6.—CHILDREN UNDER 16, UNACCOMPANIED.

All children under 16 unaccompanied by either parent shall be held for special inquiry, unless a parent appears in person with satisfactory evidence of relationship and responsibility. If the board finds (1) that they are strong and healthy, (2) that while abroad they have not been the objects of public charity, (3) that they are going to close relatives who are able and willing to support and properly care for them, (4) that it is the intention of such relatives to send them to school until they are 16, and (5) that they will not be put at work unsuited to their years, the board may admit. Where the board finds these facts do not exist, but that the case is otherwise especially meretorious, it shall so report orally or in writing to the officer in charge and defer final action until such officer has personally inspected the child. If, in his judgment, the child should be admitted, he shall so state to the board (this fact being entered of record), which may thereupon admit. Where, in the opinion of such officer, the child is not clearly admissible, the board shall exclude and give notice of the right of appeal. If thereafter an appeal be filed, the case shall be forwarded with the recommendation either for (1) admission outright, (2) admission on bond, or (3) exclusion.¹

Rule 7.—STOWAWAYS.

Stowaways seeking admission to the United States are subject to the same inspection, and can be rejected only in the same manner, as are other aliens.²

¹ When a child under 16 is destined to a parent, but nevertheless is found inadmissible, rejection should not be upon the ground that the alien is unaccompanied, but upon some statutory ground that substantially exists.

² See case of *D'Amato v. Williams*, Hand, J., decided in the United States District Court, Southern District of New York, July, 1909. The immigration act is silent as to stowaways. They should always be held for special inquiry. Having stolen their passage and being thus assisted aliens, there is a strong presumption against their admissibility. Generally they should not be admitted unless at least it is shown that since arrival they have paid their passage in money or that on the voyage they rendered service of value.

Rule 8.—CATTLEMEN.

Returning cattlemen, holding certificates ¹ duly executed by a commissioner of immigration or an immigration inspector, shall, upon identification and upon presentation and surrender of such certificate, be entitled to admission without further inspection.

Rule 9.—ALIENS IN TRANSIT.

Every alien seeking a landing for the purpose of proceeding directly through the United States to a foreign country shall be examined, and, if found to be a member of any one of the excluded classes, shall be refused permission to land, in the same manner as though he intended to remain in the United States. Cases where a refusal of the privilege would entail exceptional hardship may be reported to the bureau for a special ruling.

Rule 10.—SEAMEN.²

SUBDIVISION 1. *Who are seamen.*—(a) A seaman is any person employed to serve on board a vessel, whose employment is necessary to commerce and navigation and whose name appears on the ship's articles.

(b) Seamen who desert their ship shall, until the contrary is shown, be deemed to have abandoned their calling and to be no longer seamen within the meaning of this rule; but such abandonment shall not be presumed from the mere fact of desertion where assurances have been given in conformity with subdivision 7.

(c) Seamen whose employment terminates at a port of the United States and seamen who are discharged in a port of the United States are to be treated as seamen if it appears that they intend to reship on a vessel bound to a foreign port, or to depart from the country within a reasonable time.³

(d) Alien seamen, however, who are insane, idiots, imbeciles, epileptics, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and the existence of whose disease or disability might have been detected by means of a competent medical examination at the time of foreign embarkation, are persons whose employment on board vessels is in no wise necessary to commerce and navigation, and who are, accordingly, not within the exception in favor of seamen, because not within the reason thereof. The bringing of such seamen to the United States, therefore, is unlawful by the terms of section 9.

SUBD. 2. *Seamen engaged in coastwise trade.*—Alien seamen employed on vessels engaged in coastwise trade of the United States are aliens within the meaning of the immigration act and subject to its provisions.⁴

SUBD. 3. *Seamen engaged in foreign trade.*—Subject to the foregoing limitations and restrictions, alien seamen employed on ves-

¹ Form 543.

² It has been held, in view of the necessities of commerce and navigation, that foreign seamen arriving at United States ports are not ordinarily within the operation of the immigration act (207 U. S., 120; 23 Op. Atty. Gen., 521). This regulation is promulgated, by virtue of the authority given in sec. 22 of the immigration act, in order that the exemption made in favor of alien seamen shall not result in the entry to the United States of aliens of the classes excluded by law.

³ See U. S. v. Atlantic Transport Co., 188 Fed., 42.

⁴ Opinions Solicitor Department of Commerce and Labor, June 14 and Sept. 16, 1907.

sels plying between foreign ports and ports of the United States may, without regard to the provisions of the immigration law, land in the United States either on shore leave or on business of the vessel, or for any purpose incident to their calling, including for the purpose of reshipping on another vessel bound to a foreign port as soon as practicable.

SUBD. 4. *Seamen found in the United States otherwise engaged.*—Aliens, though landing in the United States as seamen, if found thereafter engaged in any occupation not connected with the business of a vessel to which they are attached, or if found to be public charges, shall be treated as other aliens are treated and shall be liable to deportation in like manner and for like causes.

SUBD. 5. *Procedure and examination of seamen.*—Immigration officers shall inspect those claiming to be alien seamen to such extent only as may be necessary to determine whether or not they are and intend to remain such and to prevent any violation of this rule. Those found not to be bona fide seamen and those who intend to abandon their calling shall be inspected and dealt with in the same manner as are other aliens. This includes the requirement that masters, etc., shall, when so ordered, prevent the landing of all alien ship's employees designated by the immigration authorities as inadmissible under the law and the terms of this rule.

SUBD. 6. *Presumption against vessel.*—A master, owner, or consignee of any vessel who shall allow an alien seaman whose employment terminates at a port of the United States, to land without giving adequate previous notice to the immigration officers, or who shall pay off or discharge an alien seaman at such port or allow the removal of his personal effects from the vessel without such notice, shall be presumed to have negligently failed to prevent the landing of such alien members of the crew within the meaning of section 18.

SUBD. 7. *When examination of crew of vessel may be dispensed with.*—The local immigration authorities may dispense with the inspection of alien seamen where the master, owner, agent, or consignee of any vessel engaged in the foreign trade of the United States shall give satisfactory assurance to the Secretary of Labor that he will comply with the following conditions, to wit:

(a) To enforce at its foreign port of departure a rigid medical examination of aliens seeking employment on such vessel which will insure the rejection of any and all applicants suffering from any mental or physical affliction which would make them inadmissible to the United States under section 2;¹

(b) To notify the immigration authorities of the names of all seamen not employed or articulated for the return voyage from the United States and the names of all those to be discharged in due season to permit the inspection and examination of such aliens under the provisions of the immigration act;

(c) To enforce in the ports of the United States regulations on the subject of shore leave which will prevent as far as possible the permanent landing of alien members of the crew before inspection by the immigration authorities, and to furnish the immigration authorities with the names of aliens employed on their vessels of the

¹ Any failure on the part of a vessel to enforce such a medical examination in the case of any member of the crew coming to the knowledge of an officer of the Immigration Service, should be promptly reported to the bureau for appropriate action.

bona fides of whose intention to follow the sea they have any reason to doubt, and to afford opportunity for the inspection of such aliens; and, except by express permission of an immigration officer, to refuse shore leave and to prevent the landing of alien members of the crew who are insane, idiots, imbeciles, epileptics, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; and

(d) To notify promptly the local immigration authorities of the names and description of seamen who desert the vessel at any port of the United States and to furnish any other information obtainable that would aid in the apprehension of such deserters.

SUBD. 8. *Presumptions in favor of vessel.*—Where the Secretary is satisfied that all the conditions of subdivision 7 hereof have been faithfully complied with, the master, agent, owner, or consignee of the vessel shall be deemed to have provided a competent medical examination of the vessel's crew at the time of foreign embarkation within the meaning of section 9 of the immigration act,¹ and will be deemed to have taken reasonable precautions to prevent the landing of alien members of the crew within the meaning of section 18 of said act.

SUBD. 9. *Disabled seamen.*—A disabled alien seaman, who nevertheless does not intend to relinquish his calling but whom the master of the vessel is obliged under the navigation laws of the country to which the vessel belongs to return to the country where he embarked, may, under such regulations as the officer in charge deems proper to carry out the purposes of this subdivision, pass through the United States in transit to such country by the most expeditious and direct route. Where he is suffering from a loathsome or dangerous contagious disease, or with tuberculosis, or from a mental disability, or is in such physical or mental condition as to render him a person likely to become a public charge, the master must make arrangements for his proper care while in transit and furnish a sum of money sufficient to defray the expenses thereof. These provisions are made in the interest of trade and because of the peculiar position occupied by seamen under principles of international comity; and in all cases to which they apply the immigration officials shall confer not only with the master but with the consular representative of the country to which the vessel belongs.

Rule 11.—LABORERS FROM COUNTRIES WHICH GRANT LIMITED PASSPORTS.

SUBDIVISION 1. *President's proclamation.*—The President's proclamation on this subject, issued February 24, 1913, reads as follows:

Whereas, by the act entitled "An Act to regulate the immigration of aliens into the United States," approved February 20, 1907, whenever the President is satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, it is made the duty of the President to refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such country or from such insular possession or from the Canal Zone;

And whereas, upon sufficient evidence produced before me by the Department of Commerce and Labor, I am satisfied that passports issued by certain foreign

¹ For method of collecting fine in cases in which the provisions of this rule have not been observed and sec. 9 has been violated, see Rule 28.

governments to their citizens or subjects who are laborers, skilled or unskilled, to proceed to countries or places other than the continental territory of the United States, are being used for the purpose of enabling the holders thereof to come to the continental territory of the United States to the detriment of labor conditions therein;

I hereby order that such alien laborers, skilled or unskilled, be refused permission to enter the continental territory of the United States.

It is further ordered that the Secretary of Commerce and Labor be, and he hereby is, directed to take, through the Bureau of Immigration and Naturalization, such measures and to make and enforce such rules and regulations as may be necessary to carry this order into effect.

SUBD. 2. *Effect of proclamation.*—The proclamation requires that laborers, skilled or unskilled, who are citizens of a country which grants to its laborers proceeding abroad limited labor passports only, and who present at a continental port a passport entitling them only to admission to countries or places other than continental United States, shall be rejected. It does not in any particular relieve such aliens from examination under the general provisions of the law.

SUBD. 3. *Rejection or admission as affected by passport.*—If such a laborer applies for admission and presents no passport, it shall be presumed (1) that he did not possess when he departed from his own country a passport entitling him to come to the continental territory of the United States, and (2) that he did possess at that time a passport limited to some country or place other than continental United States. If he presents a passport entitling him to enter continental United States or not limited to some country or place other than continental United States, he shall be admitted, unless he belongs to one of the classes excluded by the general provisions of the law. If he presents such a limited passport, but claims that he is not a laborer, skilled or unskilled, proof of such claim shall be required.

SUBD. 4. *Right of appeal, etc.*—All laborers excluded under this rule shall be advised not only of their right of appeal where one lies, but also that they may communicate by telegraph or otherwise with any diplomatic or consular officer of their government, and they shall be afforded opportunity for doing so.

SUBD. 5. *Definition of term laborer.*—For practical administrative purposes, the term "laborer, skilled and unskilled," within the meaning of the Executive order of February 24, 1913, shall be taken to refer primarily to persons whose work is essentially physical, or, at least, manual, as farm laborers, street laborers, factory hands, contractors' men, stablemen, freight handlers, stevedores, miners, and the like; and to persons whose work is less physical, but still manual, and who may be highly skilled as carpenters, stonemasons, tile setters, painters, blacksmiths, mechanics, tailors, printers, and the like; but shall not be taken to refer to persons whose work is neither distinctively manual nor mechanical, but rather professional, artistic, mercantile, or clerical, as pharmacists, draftsmen, photographers, designers, salesmen, bookkeepers, stenographers, copyists, and the like.

SUBD. 6. *Passports to be indorsed.*—Passports presented by aliens covered by this rule shall be plainly indorsed, in indelible ink, by the officer admitting or rejecting the applicant, in such a manner as to show the fact and date of admission or rejection. The officer shall sign such indorsement, and the passport shall be returned to the presenter.

SUBD. 7. Bonds for seamen.—No laborer covered by this rule taken on board a vessel at any foreign port as a seaman and discharged or granted shore leave at a mainland port of the United States shall be permitted to land in such port otherwise than under a bond in the penalty of \$500, conditioned for departure from the mainland of the United States within 30 days, unless such laborer has a passport not limited to a country or place other than continental United States.

Rule 12.—INSPECTION OF ALIENS ENTERING FROM OR THROUGH CANADA.¹

SUBDIVISION 1. Border ports of entry.—The following are designated as Canadian border ports of entry for aliens: Eastport, Calais, Vanceboro, Fort Kent, Fort Fairfield, Van Buren, Houlton, Madawaska, Jackman, and Lowelltown, Me.; Beecher Falls, N. H.; Island Pond, Newport, Richford, St. Albans, Swanton, and Alburg, Vt.; Rouses Point, Malone, Fort Covington, Nyando, Ogdensburg, Morristown, Waddington, Alexandria Bay, Clayton, Cape Vincent, Charlotte, Olcott, Lewiston, Niagara Falls, and Buffalo, N. Y.; Cleveland and Toledo, Ohio; Detroit, St. Clair, Port Huron, and Sault Ste. Marie, Mich.; Chicago, Ill.; Duluth, Ranier, International Falls, Warroad, Beaudette, and Noyes, Minn.; Hannah, Pembina, Neche, Walhalla, Portal, and St. John, N. Dak.; Sweet Grass and Gateway, Mont.; Porthill and Eastport, Idaho; and Danville, Ferry, Marcus, Oroville, Sumas, and Blaine, Wash.

SUBD. 2. Seaports of entry and locations of boards of special inquiry.—(a) The following are designated as Canadian seaports of entry for aliens bound for the United States: Halifax, Nova Scotia; Quebec and Point Levi, Quebec; St. John, New Brunswick; and Vancouver and Victoria, British Columbia.

(b) Boards of special inquiry shall be located at said seaports and also at the following places: Yarmouth, Nova Scotia; Calais, Jackman, and Houlton, Me.; Montreal, Quebec; Newport, Vt.; Buffalo, Niagara Falls, and Lewiston, N. Y.; Cleveland and Toledo, Ohio; Detroit, Port Huron, and Sault Ste. Marie, Mich.; Chicago, Ill.; Duluth and International Falls, Minn.; Winnipeg, Manitoba; Portal, N. Dak.; Sweet Grass, Mont.; Eastport, Idaho; and Marcus, Oroville, Sumas, and Blaine, Wash.

SUBD. 3. Head tax.—(a) The masters, owners, or agents of vessels plying to Canadian ports shall pay to the United States commissioner of immigration for Canada the sum of \$4 on account of each alien bound for the United States, with the exception of such as are excluded and deported.

(b) All aliens of the taxable class seeking to enter the United States from Canada or Newfoundland shall be denied examination under the United States immigration laws (except to a sufficient extent to determine liability for head tax) until they present to the examining officers a certificate from a duly appointed agent of the transportation company bringing such aliens to the border, guaranteeing that responsibility for the payment of head tax on account of

¹ This rule is based generally upon the immigration act, and specifically upon sec. 36 thereof authorizing the Secretary to designate land border ports of entry and an agreement between the various steamship and railroad companies in Canada and the Commissioner General, negotiated in accordance with sec. 32. The various provisions of the law and regulations, in so far as applicable, should be enforced at the Canadian seaports and along the Canadian border. Any alien who enters the United States across the Canadian border at any other place than those named in subd. 1 of this rule as a port of entry is subject to deportation under secs. 20, 21, 35, and 36. (For deportation procedure, see Rule 22.)

such aliens will be assumed by said transportation company, certificate guaranteeing payment of head tax being returnable to the applicant for admission in the event of his exclusion, such certificate before its return to such applicant to have the word "Rejected" stamped or written in red ink across its face.

(c) All moneys collected under the provisions of this rule shall be transmitted by the commissioner of immigration for Canada to an assistant treasurer of the United States for deposit in appropriate manner. Reports of such receipts shall be made monthly by the said commissioner on the appropriate form. The commissioner shall give bond in the sum of \$10,000, conditioned for the faithful discharge of his duties and the remittance of the collections herein described.

SUBD. 4. *Manifests.*—(a) The masters, owners, or agents of vessels bringing to Canadian ports aliens bound for the United States shall furnish to the United States immigration officials in charge at such ports complete manifests and alphabetical books of all arriving alien passengers, and also complete manifests of all arriving alien passengers en route to the United States, such as are now required by law of vessels bringing aliens to United States ports.

(b) Such masters, owners, or agents shall also furnish to the United States commissioner of immigration for Canada manifests of all passengers not citizens of the United States leaving the United States and proceeding by their vessels to foreign ports, as required by law of vessels departing from United States ports.

SUBD. 5. *Medical examination.*—Aliens coming to the United States from or through Canada shall be examined for mental and physical disabilities or afflictions in the manner prescribed in section 17.

SUBD. 6. *Inspection, certification, and admission.*—(a) All necessary facilities, in the way of accommodations, access to the aliens, and the keeping of aliens apart from the public until after inspection, shall be afforded to the immigration officials of the United States stationed at Canadian ports to enable them to make the inspection required by law. The inspection conducted at the seaports, the land border ports, or the interior board of special inquiry stations herein mentioned shall be similar to that conducted at United States ports. Such aliens as in the opinion of the examining inspector are not clearly entitled to admission shall be taken before a board of special inquiry. The decision of such a board shall be final unless reversed upon appeal, as provided by section 25.

(b) Aliens found admissible by the inspectors or boards stationed at the seaports or by the boards stationed at the interior ports named in subdivision 2 hereof shall be furnished with a certificate of identity prepared on the form provided by the bureau,¹ signed by the United States commissioner of immigration for Canada, and shall be admitted at any one of the ports of entry named in subdivision 1 hereof without further examination, upon presenting and surrendering said certificate and being identified as the proper holder thereof.

(c) Any alien of the taxable class, who shall apply for admission at the Canadian border within one year after arriving at a Canadian seaport, and not present the certificate prescribed in the preceding paragraph, shall be returned by the transportation company which

¹ Form 524.

brought him to the border to one of the seaports of entry or to one of the board of special inquiry stations named in subdivision 2 hereof for guaranty of payment of head tax, examination, and procurement of certificate. Any alien, whether taxable or not, who applies for entry from Canada may be required by an inspector having a doubt of his admissibility to appear for examination before a board located at one of said places. If any nontaxable alien is conveyed by a transportation company to a border point where no board of special inquiry is stationed, he shall be returned and conveyed for examination to the nearest point at which such a board is located.

SUBD. 7. *Deportation*.—(a) All aliens bound for the United States finally rejected at Canadian seaports shall be returned to the country whence they came by the steamship line bringing them.

(b) The steamship lines shall return at their own expense, from seaports of Canada or the United States as they may elect, to the transoceanic country of embarkation all aliens covered by the provisions of paragraph (c) of subdivision 6 hereof who are shown to belong to a class excluded by the immigration act, whenever in the judgment of the Secretary the deportation of such aliens in the manner described is deemed necessary to safeguard the interests of the United States.

(c) All nontaxable aliens who proceed to the Canadian border without having first been examined and granted the certificate of identity herein prescribed, and who may be excluded by a board of special inquiry at a border station, shall be returned a reasonable distance in Canada from the boundary by the transportation company which brought them thereto.¹

(d) The steamship lines, parties to the Canadian agreement, shall return, at their own expense at any time within three years from the date of landing in Canada from some Canadian port, or when that is not practicable from some port of the United States, such aliens as, having been brought into Canada upon their respective lines and having subsequently proceeded to the United States, are shown to belong to any one of the classes subject to exclusion or deportation under the immigration act whenever deportation of such an alien is ordered by the Secretary of Labor.

SUBD. 8. *Transits*.—(a) Aliens of the taxable class applying to pass in transit through the United States from Canada shall furnish to immigration officers guaranty of payment of head tax prescribed in subdivision 3 hereof. If found admissible they shall be given a certificate² providing for refund of head tax upon such certificate being properly indorsed by the alien and the purser of the outgoing trans-Atlantic or trans-Pacific steamship, or the conductor of the train, upon which the holder leaves the United States.

(b) Refund of head tax will be made on aliens of the taxable class arriving at seaports of Canada and desiring to proceed immediately in transit through the United States to the transportation line responsible for its payment, upon proof satisfactory to the United

¹ In view of the terms of the Canadian agreement, it is expected that transportation companies in Canada will not sell to aliens en route to any part of the United States tickets for their transportation or transport them in cars or vessels from the port of entry or examination until after they have exhibited their certificate of identity; also that such companies will not knowingly transport into the United States any rejected, inadmissible, or undesirable alien, but will return rejected aliens to the seaport of arrival or the interior starting point.

² Form 523, except in cases of transient visitors, for whom Form 569 should be used.

States commissioner of immigration for Canada that such aliens have passed by direct and continuous journey through and out of the United States within the time limit specified in subdivision 2 of Rule 1 hereof.

(c) The special deposit and refund system herein provided for transit passengers shall also apply to passengers claiming American citizenship who are unable at the time to establish such claim; except, however, that transit refund certificates (Form 523) shall not be issued to such persons.¹

Rule 13.—INSPECTION ON MEXICAN BORDER.

SUBDIVISION 1. *Ports of entry.*—Under section 36 the following are named as Mexican border ports of entry for aliens: Brownsville, Hidalgo, Laredo, Eagle Pass, Del Rio, and El Paso, Tex.; Douglas, Naco, and Nogales, Ariz.; and Andrade, Campo, Calxico, and Tia Juana, Cal.²

SUBD. 2. *Procedure.*—Aliens applying for admission at the Mexican border ports of entry are subject to examination in the same manner and to the same extent as though arriving at seaports, report of inspection to be made on the appropriate form.³ Where they cross the border by bridge or railway company, such company shall be responsible for the head tax. Where they cross the border at a port of entry otherwise than through the instrumentality of one of said companies, they shall as a preliminary to inspection be questioned sufficiently to determine with precision whether, in the event that full inspection should show them to be admissible, they are in financial condition to pay the \$4 head tax. If found able to pay such tax, the inspection may be completed; and if found eligible, they shall pay the head tax before being permitted to enter.⁴

Rule 14.—ALIENS REACHING CONTINENTAL PORTS VIA PORTO RICO, HAWAII, OR THE PHILIPPINES.

SUBDIVISION 1. *Examination at insular ports.*—Aliens arriving in Porto Rico, Hawaii, or the Philippines, bound for the continent shall be inspected and given a certificate,⁵ signed by the immigration officer in charge at San Juan or Honolulu, or the insular collector of customs at Manila, showing fact and date of landing.

SUBD. 2. *Certificates for alien insular residents.*—Aliens who, having been manifested bona fide to Porto Rico, Hawaii, or the Philippines and having resided there for a time, signify to the immigration officer in charge at San Juan or Honolulu, or the insular collector of customs at Manila, an intention to go to the continent, shall be furnished such certificate,⁵ as evidence of their regular entry at an insular port.

SUBD. 3. *Admission at continental ports of aliens presenting certificates.*—Aliens applying at continental ports and surrendering the certificate above described shall, upon identification (and payment of head tax if from Porto Rico or Hawaii), be permitted to land, pro-

¹ See bureau circular dated Feb. 11, 1912.

² Any alien who enters the United States across the Mexican border at any other point enters the country unlawfully and should be arrested and deported under secs. 20, 21, and 35, as provided by Rule 22.

³ Form 548.

⁴ Head tax to be certified to the collector of customs on Form 549. (See Rule 1.)

⁵ Form 546 for Porto Rico or Hawaii; Form 546-P. 1. for the Philippines. Special material facts should be noted on back of certificate, with appropriate reference thereto on face.

vided it appears that at the time such aliens were admitted to Porto Rico, Hawaii, or the Philippines they were not members of the excluded classes or likely to become public charges if they proceeded thence to the mainland.

SUBD. 4. *Arrest and deportation.*—If such aliens fail to present the certificate, it shall be presumed that they were not examined when entering Porto Rico, Hawaii, or the Philippines, and they shall be arrested in accordance with Rule 22 on the ground of entry without inspection and such other grounds, if any, as may be found to exist. If it is found in accordance with subdivision 3 hereof that such aliens were at the time of entry to Porto Rico, Hawaii, or the Philippines members of the excluded classes or likely to become public charges if they proceeded thence to the mainland, they shall be arrested in accordance with Rule 22 on either or both of those grounds.

SUBD. 5. *Hawaiian citizens.*—Residents of the Hawaiian Islands claiming to be citizens of the United States who desire to proceed to the mainland may, in order to save possible delay and inconvenience at the port of entry, have their status investigated by the inspector in charge at Honolulu. A favorable decision by said official will entitle the applicant to be landed at a mainland port of entry upon identification. An adverse decision will not preclude the party from applying at a port of entry on the mainland, relying upon his ability to establish his claimed citizenship to the satisfaction of the officer in charge.

Rule 15.—SPECIAL INQUIRY.

SUBDIVISION 1. *Oath.*—Every person appointed to serve on a board of special inquiry shall first subscribe to an oath of office.¹

SUBD. 2. *Hearings.*—Boards of special inquiry shall determine all cases as promptly as in the estimation of the immigration officer in charge the circumstances permit, due regard being had to the necessity of giving the alien a fair hearing.

SUBD. 3. *Expense of return voyage.*—An excluded alien shall be informed that the return voyage is at the expense of the steamship company which brought him and the fact that he has been so informed entered in the minutes.

Rule 16.—ALIEN'S MONEY.

In the absence of a statutory provision no hard and fast rule can be laid down as to the amount of money an alien should have. This is only one element to be considered in each case, but generally he should have enough to provide for his reasonable wants and those of accompanying persons dependent upon him until such time as he is likely to find employment; also, when bound for an interior point, railroad ticket or funds with which to purchase the same.

Rule 17.—APPEALS.

SUBDIVISION 1. *Informing alien as to right of appeal.*—Where an appeal lies the alien shall be clearly informed of his right thereto and the fact that he has been so informed entered in the minutes.

SUBD. 2. *Appeals, how filed.*—An alien desiring to appeal may do so individually or through any society admitted to an immigrant sta-

tion or through any relative or friend or through any person, including attorneys, permitted to practice before the immigration authorities. Where a valid appeal has been taken any further appeal shall be disregarded. Appeals purporting to be filed on behalf of an alien, but without his knowledge or consent previously obtained may be ignored.

SUBD. 3. *Time for filing appeals.*—Appeals must be filed promptly. The immigration officer in charge may refuse to accept an appeal filed after the alien has been removed from an immigrant station for deportation, provided the alien had a reasonable opportunity to appeal before such removal. Any appeal filed more than 48 hours after the time of exclusion may be rejected by the immigration officer in charge in his discretion.

SUBD. 4. *Where no appeal lies.*—No appeal lies where the decision of a board of special inquiry, based solely upon the certificate of the examining medical officer, rejects an alien because either (1) he is afflicted with tuberculosis or a loathsome or dangerous contagious disease, or (2) he is an idiot or an imbecile or an epileptic or is insane or feeble-minded, or (3) he has been insane within five years previously, or has had two or more attacks of insanity at any time previously, or (4) he has any *mental* defect which may affect his ability to earn a living or render him likely to become a public charge.

SUBD. 5. *Where no appeal lies, but admission on bond may be requested.*—No appeal lies where a decision of a board of special inquiry, based *solely* upon the certificate of the examining medical officer, rejects an alien because he is suffering from some *physical* defect other than tuberculosis or a loathsome or dangerous contagious disease. But in such a case, notwithstanding exclusion, the alien may, if otherwise admissible, apply for admission on bond (sec. 26). In a case of this character he shall, after exclusion, be notified of his right to apply for admission on bond and may file his application within the time mentioned in subdivision 3 hereof.¹

SUBD. 6. *Bonds under section 26.*²—Where the landing of an alien under bond is authorized the bond³ shall, unless different instructions are given, be in the sum of \$500, and the alien shall not be released until it has been furnished and the immigration official in charge has satisfied himself of the responsibility of the sureties. If within a reasonable time after landing under bond is authorized a satisfactory bond is not furnished, instructions shall be requested of the Bureau.

SUBD. 7. *Forwarding appeal record.*—The complete appeal record shall be forwarded promptly to the bureau with the views in writing of the immigration officer in charge.⁴

¹ Where a medical certificate shows that an alien is afflicted with the disabilities mentioned in subdivision 4, the board is virtually compelled to base its decision upon that certificate, because whether or not an alien is so afflicted is purely a matter of medical science. The cases intended to be covered by subdivision 5 stand on somewhat different footing. It applies only to physical disabilities other than tuberculosis and loathsome or dangerous contagious diseases. For instance, to valvular disease of heart, progressive disease of central nervous system, and double hernia; and whether or not these will affect ability to earn a living is partly a medical and partly a practical question. If in such instances the board cares to rely *solely* on the medical certificate and to exclude the alien is thereby deprived of his right of appeal, but he may still request admission on bond. Such is the combined effect of secs. 10 and 26, to carry out which subdivision 5 is intended. Instances of this kind, however, are likely to be rare, because in cases of physical defects of the character mentioned the board is not confined to the medical certificate but may consider all of the surrounding circumstances; and where *upon all the facts, including the medical certificate*, it decides that the alien is suffering from a physical defect which will affect his ability to earn a living, the right of appeal exists.

² For release of arrested aliens under bond, see Rule 22.

³ Execute in duplicate, using Form 554 or 579.

⁴ For procedure in reopened cases, see bureau circular of Feb. 5, 1912.

Rule 18.—MEDICAL OFFICERS.

Medical officers detailed for duty under the immigration law shall, in matters of administration, be under the direction of the immigration officer in charge at the port to which they may be detailed.¹

Rule 19.—HOSPITAL TREATMENT.

SUBDIVISION 1. *Staying deportation of wives and children of declarants.*—If an alien found on arrival to be afflicted with tuberculosis or a loathsome or dangerous contagious disease is the wife or minor child of a person shown to have declared his intention or the minor child, born abroad prior to the naturalization, of a person shown to be a naturalized citizen, such alien shall be held until it is ascertained whether the disorder will be easily curable, or whether he can be permitted to land without danger to others. The law does not direct that any other aliens so afflicted shall be held. Deportation shall occur promptly with respect to such wives and minor children if and when it is ascertained that the disorder is not easily curable or that the alien can not be landed without danger to others, and with respect to all others if and when it is ascertained that the alien is diseased, unless, in behalf of either, application for treatment is made promptly in accordance with the terms of the next subdivision.

SUBD. 2. *Application for hospital treatment.*—No application for hospital treatment of aliens afflicted with tuberculosis or a loathsome or dangerous contagious disease will be considered unless submitted promptly to the immigration official in charge at the port of arrival (by him to be forwarded to the bureau), and unless in addition such application shows: (1) That detention or landing for hospital treatment is necessary to meet the ends of justice and humanity; (2) that the applicant or some one on his behalf is willing and able to deposit at once a sum sufficient to pay for treatment for 60 days, or less if a shorter time is estimated as that within which a cure possibly may be effected, and to furnish bond in a penalty of not less than \$300 providing that at least 15 days prior to the expiration of said period a further deposit will be made sufficient to cover cost of treatment for 30 days additional and a remittance of a similar amount 15 days prior to the expiration of the period covered by this deposit, and so on until the alien is cured and permanently landed or the case otherwise disposed of, the bond also to provide that a sum sufficient to defray the cost of forwarding the alien to final destination will be furnished when and if needed, and, in the event the alien is a person who, from infancy or other cause, will require an attendant to accompany him to final destination if landed, or to the country of origin if eventually deported, that such an attendant or funds sufficient to defray cost of employing one will be furnished. The same time shall be allowed for filing applications for hospital treatment as is allowed for the filing of appeals.²

If on arrival the condition of an alien is such that, in the estimation of the immigration official in charge, the dictates of humanity require that he shall be given immediate hospital treatment, such treatment shall be accorded.

¹ See sec. 17.² See Rule 17, subd. 3.

SUBD. 3. *Report and certificate to accompany application.*—The immigration official in charge who forwards the application shall furnish a transcript of the board hearing, and a certificate of a Public Health Service surgeon showing the character and extent of the alien's affliction and estimating the duration of treatment required to effect a cure; and shall state whether or not the preliminary deposit has been made, and whether or not he thinks the bond required will be forthcoming in the event that the application is granted; and shall express his views of the case.

SUBD. 4. *Action if requirements not observed.*—If the application is granted and there is a failure to observe the terms of the bond exacted, report thereof shall be made to the bureau, to the end that the condition of the bond may be enforced and the alien deported. Any balance of a deposit remaining unexpended when the alien is cured or released shall be returned to the depositor. The cost of hospital treatment may be charged against the deposit from the time the petition was filed.

SUBD. 5. *Admission to hospital not a "landing."*—The treatment of an alien under this rule shall not be construed in any manner to alter the status of the alien with reference to his right to enter or remain in the United States, nor in any manner to affect the liability of transportation companies under section 9 or Rules 4 and 26. "Landing" occurs only when the alien is admitted after a cure has been effected.

Rule 20.—ASSISTANCE TO ADMITTED ALIENS.

Any alien may, notwithstanding admission and for reasons satisfactory to the immigration officer in charge, remain a few days at an immigration station upon payment of actual expenses. Where in such a case the delay in leaving the immigrant station is due to accident or other unavoidable circumstances and the alien is without sufficient means to defray the expense incident thereto, the immigration officer in charge may, in his discretion, authorize the same, reporting the case promptly to the bureau with full reasons for his action and requesting that the authorization be ratified.

Rule 21.—DEPORTATION OF EXCLUDED ALIENS.

SUBDIVISION 1. *Notice to master, etc.*—The master, agent, consignee, or owner of a vessel by which an excluded alien is to be deported shall be notified of this fact as promptly as circumstances permit; also of the cause of rejection.¹

SUBD. 2. *Placing on board.*—The immigration officer in charge may place excluded aliens on board for deportation immediately upon exclusion, whenever in his judgment such action is necessary.²

SUBD. 3. *Notice of sailings.*—At least 24 hours' advance notice of the time of sailing of every vessel which has brought aliens to the United States shall be given the immigration officer in charge, in order that he may have the opportunity to place on board aliens to be deported by such vessel.

¹See Rule 23 for aliens requiring special care and attention.

²For instance, to prevent congestion or to remove danger of contagion.

Rule 22.—ARREST AND DEPORTATION ON WARRANT.¹

SUBDIVISION 1. *Investigation and report of cases.*—Officers shall make thorough investigation of all cases where they are credibly informed or have reason to believe that a specified alien in the United States is subject to arrest and deportation on warrant.² All such cases, by whomsoever discovered, shall be reported to the immigration officer stationed nearest the place where the alien is found to be.

SUBD. 2. *Application for warrant of arrest.*—The application³ must state facts bringing the alien within one or more of the classes subject to deportation after entry. The proof of these facts should be the best that can be obtained.⁴ The application must be accompanied by a certificate of landing⁵ (to be obtained from the immigration officer in charge of the port where landing occurred) or a reason given for its absence, in which case effort should be made to supply the principal items of information mentioned in the blank form provided for such certificate. Telegraphic application may be resorted to only in case of necessity and must state (1) that the usual written application has been made and forwarded by mail, and (2) the substance of the facts and proof therein contained.

SUBD. 3. *Proof in cases which have become public charges from prior causes, physical or mental.*—The application in such cases must be accompanied by a medical certificate containing the following:⁶

(a) An explicit statement that the alien is a public charge, where and how, and, if in an institution, the date of admission thereto.

(b) A full and accurate statement of the alien's disabilities, mental or physical; also whether or not a complete cure is possible; and if yes, when; and if not, whether partial cure may be expected; and to what extent the alien will thereafter be self-supporting. Also, in insane cases, recovered or apparently recovered from the attack, whether new attacks are to be expected.

(c) Whether or not the disabilities described constitute the sole causes why the alien is a public charge; any other causes to be stated.

(d) Whether the causes which render the alien a public charge existed prior to landing or arose subsequent thereto, and in the former case the reasons in detail justifying such a conclusion.

Where the bureau so directs, the application must be further accompanied by a complete copy of the clinical or general history of the case as shown by the hospital records, including the statements of relatives and friends. If deemed advisable by the local immigration officer, it may be further accompanied by the certificate of an officer of the Public Health Service in relation to the alien's condition.

¹ For special regulations regarding arrest and deportation of prostitutes and procurers and anarchists and criminals, see Department Circulars Nos. 156 and 163, respectively.

² See in general secs. 20, 21, 18, 35, 36, 2, and 3, and Executive order of Mar. 14, 1907. This rule applies to the following classes of aliens: (1) Those who have entered the United States in violation of law; (2) those who have become public charges from causes existing prior to landing; (3) those "deemed to be unlawfully within the United States" under sec. 18 and sec. 3. Class (1) includes all aliens who at the time of entry belonged to any of the classes enumerated in sec. 2 or Executive order of Mar. 14, 1907 (Rule 11), and who should therefore have been excluded at that time; also aliens who enter contrary to the terms of sec. 36 and Rules 12 and 13. As to class (2): Usual instances in which an alien becomes a public charge are where he enters a public almshouse or hospital or is sent to jail. What may be a "cause existing prior to landing" depends somewhat on the circumstances of each case. In actual practice such cause is usually a physical or mental defect, to be proved as provided in subdivision 3 of this rule. See also bureau circular letter of June 27, 1910, explanatory of warrant proceedings. As to finality of the Secretary's decision in warrant proceedings, see *Prentiss v. Di Giacomo*, 192 Fed., 467, and cases therein cited.

³ Form 565.

⁴ Usually affidavits stating facts on affiant's own knowledge should be obtained. For proof in physical and mental defect cases, see next subdivision.

⁵ Form 564.

⁶ Form 534.

SUBD. 4. *Execution of warrant of arrest and hearing thereon.*—

(a) Upon receipt of a warrant of arrest the alien shall be taken before the person or persons therein described and granted a hearing to enable him to show cause, if any there be, why he should not be deported.¹ In the discretion of the immigration officer in charge he may, pending determination of his case, be taken into custody or allowed to remain in some place deemed by such officer secure and proper, except that an alien confined in an institution shall, in the absence of special instructions, not be removed therefrom until a warrant of deportation has been issued.

(b) During the course of the hearing the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued; and at such stage thereof as the officer before whom the hearing is held shall deem proper, he shall be apprised that he may thereafter be represented by counsel and shall be required then and there to state whether he desires counsel or waives the same, and his reply shall be entered on the record. If counsel be selected, he shall be permitted to be present during the further conduct of the hearing, to inspect and make a copy of the minutes of the hearing, so far as it has proceeded, and to offer evidence to meet any evidence theretofore or thereafter presented by the Government. Objections and exceptions of counsel shall not be entered on the record, but may be dealt with in an accompanying brief. If during the hearing new facts are proved which constitute a reason additional to those stated in the warrant of arrest why the alien is in the country in violation of law, the alien's attention shall be directed to such facts and reason, and he shall be given an opportunity to show cause why he should not be deported therefor.

(c) At the close of the hearing the full record shall be forwarded to the bureau, together with any written argument submitted by counsel and the recommendations of the examining officer and the officer in charge for determination as to whether or not a warrant for deportation shall issue.

(d) The record of the hearing accorded an alien who is suffering from any physical or mental disability shall be supplemented by a medical certificate showing (1) whether such alien is in condition to be deported without danger to life; (2) whether he will require special care and attention on the ocean voyage.

SUBD. 5. *Release under bond.*—The amount of any bond under which an arrested alien may be released² shall be \$500, unless different instructions are given by the Department, which also shall, prior to release, approve the bond, except that the approval of the local United States attorney as to form and execution shall be sufficient where, to avoid delay, the immigration officer in charge deems it proper to submit the bond to such attorney for approval. Aliens who are unable to give bail shall be held in jail only in case no other secure place of detention can be found.

SUBD. 6. *Warrant for deportation and deportation thereon.*—Upon receipt of a warrant of deportation, the alien shall be taken into the custody of the immigration officials (if this has not already

¹ If the alien is unable to speak or understand English, an interpreter should, where practicable, be employed. If the alien is physically or mentally incapable of testifying, some relative or friend, if any, should be questioned.

² Use Form 553. (See sec. 20.)

occurred) for deportation.¹ Thereafter he shall be deported, previous notice of deportation being given the steamship company concerned, together with a brief description of the alien and any other appropriate data, including the cause of deportation, physical and mental condition, and destination.²

SUBD. 7. *Cost of maintenance pending deportation on warrant.*—The cost of maintaining aliens during these proceedings may be borne by the Government, but as to aliens who have become public charges from causes existing prior to landing, such cost will be allowed only for the period subsequent to the date of issuance of warrant of arrest, and then only in case this is followed by an order of deportation. Maintenance bills under this rule shall be delivered to the immigration officer in immediate charge of the case within 20 days from the close of the calendar month in which occurs the death of the alien or removal from the institution for deportation, and failure so to render them shall relieve the United States from any responsibility for the payment thereof. If proceedings against a procurer or contractor are instituted (secs. 3, 5, or 20), immigration officers shall report to the United States district attorney the amount of the cost of deporting the alien, including one-half of the entire cost of removal to the port of deportation, so that a proper effort may be made to recover such expense from the procurer or importer and the reimbursement of the Government and the transportation company for their respective parts thereof.

Rule 23.—DEPORTATION OF INSANE AND DISEASED ALIENS REQUIRING SPECIAL CARE AND ATTENTION.

SUBDIVISION 1. *When to be provided.*—Where the immigration authorities find that an alien about to be deported (whether after rejection by a board or on Department warrant) requires special care and attention, the steamship company concerned must provide such care and attention as his condition calls for, not only during the ocean voyage, but also as hereinafter provided during the foreign inland journey.

SUBD. 2. *Special papers.*—The alien shall be delivered to the master or first or second officer of the vessel by which deportation is to occur, together with the appropriate form,³ also a duplicate carbon of sheet "A" thereof. The receipt and sheet "A" shall (except as to signature) be filled out by an immigration officer. The receipt attached to sheet "A" shall be signed by the ship's officer to whom the alien has been delivered and returned forthwith to the immigration officer making delivery. Sheets "B" and "C" shall be retained by the ship's officer and in due course filled out by the agents or persons therein designated and by them returned by mail as therein provided.

SUBD. 3. *Forwarding alien from foreign port to destination.*—From the foreign port of debarkation the steamship company must forward the alien to destination in charge of a proper custodian (all

¹ If an attendant (or matron) is required to assist in conveying alien from an inland point to the seaport of deportation, special request for authorization therefor should accompany the record of hearing. Such attendants are allowed a nominal compensation of \$1 and traveling expenses both ways. This rate must not be exceeded unless extraordinary conditions, fully reported, result in authorization of a different compensation.

² For special provisions in the cases of insane and diseased aliens requiring special care and attention, see Rule 23.

³ Form 597, composed of sheets "A," "B," and "C." At the blank space following "No," at the top of each sheet Department warrant number must be placed where deportation occurs pursuant to warrant, and local correspondence file number where it occurs pursuant to rejection by a board.

expenses to be borne by such company), except only in cases where foreign public officials decline to allow such custodian to proceed and themselves take charge of the alien, which fact must be shown by signing the form provided in the lower half of sheet "C." Where the foreign public officials take charge not at the port of debarkation, but at an interior frontier, both forms on sheet "C" must be filled out, the former in relation to the inland journey as far as such frontier.¹

SUBD. 4. *When Secretary will employ attendants.*—Whenever, without excuse satisfactory to the immigration officer in charge at the port of embarkation, a steamship company has failed for a period of 90 days after departure of an alien requiring special care and attention under this rule to comply with any of the terms thereof, including where it has failed to return sheets "B" and "C" properly filled out, such immigration officer shall forthwith report this fact to the bureau, and thereafter the Secretary of Labor will, without further notice and during such period as he shall determine, exercise his right (sec. 21) to employ suitable persons to accompany to their final destinations aliens deported on a vessel of such steamship company requiring special care and attention. Instructions as to compensation of such attendants, their mode of travel, their right of access to the alien during the ocean voyage, and other necessary matters will be given in each case as it arises.

Rule 24.—DEPORTATION BY CONSENT.

Any alien who is a lawful resident of the United States and who has become a public charge from physical disability arising subsequent to landing may, with his consent and the approval of the bureau, be deported within one year from date of landing, at Government expense, provided he is delivered to the immigration officers at a designated port free of charge. If the alien's deportation is directed, the charges incurred for his care and treatment in any public or charitable institution from the date of notification to an immigration official until the expiration of one year after landing may be paid by the bureau at such rates as it shall accept as reasonable.

Rule 25.—HOLDING ALIENS AS WITNESSES.

Where the deportation of an alien is stayed so that he may testify concerning violations of the immigration law,² the case must be promptly reported to the United States attorney with request that if he decides to institute proceedings he either take the deposition of the alien or secure a court order for his detention as a witness.³ In either event the bureau shall be promptly informed as to any action taken hereunder.

Rule 26.—DETENTION EXPENSES.

SUBDIVISION 1. *Responsibility of transportation companies.*—The owners, masters, agents, and consignees of vessels bringing aliens shall pay all expenses incident to or involved in their removal from

¹ Where foreign public officials have taken charge at the port of debarkation it will be unnecessary to fill out any portion of the form on the upper half of sheet "C."

² This may occur under either sec. 19 or 20.

³ See in this connection Bureau Circular No. 29 of July 26, 1909. Two of the reasons for this rule and the circular mentioned are: (1) A desire to avoid the hardship that would result from holding the alien without some arrangement being effected for him to receive witness fees (which can not be paid by the bureau, but under certain conditions are allowed by a court); and (2) the fact that the purpose of the bond authorized by sec. 20 is merely to insure the production of the alien "for a hearing or hearings * * * and for deportation if he shall be found to be unlawfully in the United States."

the vessel or their detention as mentioned in Rules 3 and 4 hereof (excepting only where removal or detention occurs under the terms of sec. 37 or of any of the provisos of sec. 19), irrespective of whether the aliens removed or detained are subsequently admitted or deported; such expenses to include those of maintenance, treatment, and care in hospital, medical treatment elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation. Where aliens are fed under an exclusive privilege (sec. 30), the expenses of maintenance shall be deemed the charges at which the privilege holder agrees to furnish them food, except that the cost of any special food found by the surgeon to be required by an alien in feeble health (but not detained in hospital) may be an additional expense of maintenance. At ports where the Immigration Service maintains hospitals the hospital expenses shall be such as are fixed by the Commissioner General of Immigration, and at other hospitals they shall be such as are fixed by the authorities thereof.

SUBD. 2. *Accompanying aliens*.—If in the judgment of the officer in charge, based upon the expressed opinion of a surgeon, it is necessary for the proper care of an alien removed to hospital or as a measure of humanity to place with him there an attendant or accompanying alien, the cost of the latter's detention in hospital must be borne in the same manner as is the cost of treating the disabled alien.

SUBD. 3. *Securing payment*.—Immigration officers are under no obligation to order the removal of aliens from a vessel for inspection or hospital treatment until the steamship companies have obligated themselves in a manner satisfactory to such officers for the payment of the expenses hereinbefore referred to, and at their option they may require payment in advance, or security, for each and every one thereof; and for failure on the part of a steamship company at any time during the course of detention to pay such expenses, the aliens may be returned to the vessel.

SUBD. 4. *Expenses for which transportation companies not responsible*.—Detention expenses shall be borne by the Government in cases of (1) aliens held as witnesses under section 19 and (2) insane aliens whose health or safety would be unduly imperiled by immediate deportation (sec. 19). They shall be borne by the alien always where he is treated by "express permission" of the Secretary under section 19;¹ and preferably by the alien, but by the immigration appropriation under special authority (1) where it is necessary to hold the alien *after admission* in accordance with Rule 20, and (2) in the cases of wives and minor children of aliens who have filed their declaration of intention to become citizens, and of minor children of naturalized citizens born abroad prior to the naturalization of the parent, where such cases are covered by section 37.¹

SUBD. 5. *Expense of returning aliens to vessels*.—The expense of returning rejected aliens to vessels for deportation is a part of the expense of the return of such aliens to the country whence they came.

SUBD. 6. *Presentation of bills*.—Bills pertaining to any of the expenses in this rule mentioned shall be presented to the steamship companies responsible, monthly or oftener at the option of the officer in charge.

¹ Decision Comptroller Jan. 15, 1908.

Rule 27.—DETENTION EXPENSES DURING EXTENDED TIME.

The immigration officer in charge may, in his discretion, decline to extend an alien's time to appeal or to delay deportation except on condition that there be deposited a sum of money sufficient to defray the cost of maintenance during the extension or delay granted.

Rule 28.—COLLECTING FINE FOR BRINGING DISEASED ALIENS.

SUBDIVISION 1. *Medical certificate.*—Whenever an arriving alien is found to be afflicted with any of the diseases or disabilities mentioned in section 9, and in the judgment of the medical examiner such disease or disability existed at the time of foreign embarkation and might have been detected by means of a competent medical examination at such time, he shall so certify.

SUBD. 2. *Notice to master, etc.*—Upon the receipt of such a certificate the officer in charge shall promptly serve upon the master, agent, owner, or consignee of the vessel upon which said alien arrived a notice¹ to the effect that the ascertained facts indicate that a fine should be imposed under section 9; that he will be allowed 60 days' time from the date of service of the notice within which to submit evidence or be heard in reference to this matter; and that in the meantime the vessel on which the alien arrived will be granted clearance papers, *upon condition* that he deposit with the collector of customs, prior to the time of sailing, the sum of \$100 as security for the payment of such fine, should it be imposed.

SUBD. 3. *Service of notice.*—Such notice shall be prepared in triplicate. The original shall be served on the master, agent, owner, or consignee of the vessel either by (1) delivering it to him in person or (2) leaving it at his office or, whenever the immigration officer in charge finds either of these methods of service inconvenient, (3) mailing it to him. When service is made by delivery, it shall be admitted in writing upon the duplicate and triplicate and the admission witnessed by the server. If admission be refused, or in case of service by either of the other methods, the server shall note the method and date of service on the duplicate and triplicate. The duplicate shall be retained by the immigration officer in charge. The triplicate shall be delivered to the collector of customs for the district wherein the port of arrival is located, who shall withhold clearance papers until the deposit is made.

SUBD. 4. *Submission of evidence and report.*—If said deposit be made, further proceedings shall be suspended during said period of 60 days or until earlier submission of evidence to show why said fine should not be imposed. Such evidence, if submitted, shall be forwarded to the bureau, together with the medical certificate and the duplicate notice, and the officer in charge shall at the same time present his written views as to whether the fine should be imposed. If within 60 days no evidence has been submitted, or as soon as it is known that the fine will not be contested, the officer in charge shall report the facts to the bureau.

SUBD. 5. *Action on decision.*—Upon receipt of departmental decision the collector of customs shall be notified of its terms. If the fine

¹ Form 507.

is imposed, the amount deposited as security shall be accounted for by the collector. If the fine is not imposed, he shall return such amount.

Rule 29.—COLLECTING FINES FOR FAILURE TO MANIFEST.

SUBDIVISION 1. *As to incoming manifests.*—Written notice setting forth wherein the lists or manifests are deficient shall be mailed to or served upon the master of the vessel or the agent of the transportation company concerned and 60 days from the time of such service allowed within which to place before the immigration officer in charge evidence to show why the statutory penalty should not be collected. If no objection is made, it shall be collected forthwith by the appropriate collector of customs. If objection be made, the full record shall be forwarded to the bureau and no further action taken until receipt of further notice from the bureau.¹

SUBD. 2. *As to outgoing manifests.*—Action similar to that prescribed in the preceding subdivision shall be taken where there is a failure to furnish complete manifests of emigrants; but for such failure in the case of a *departing* vessel the total fines collected shall not exceed \$100.²

Rule 30.—ACCOUNTING FOR MONEYS RECEIVED.

All moneys collected on account of head tax, for rentals of exclusive privileges at immigration stations, and as fines for violations of the immigration laws (whether imposed by the Department or the courts), shall be deposited to the credit of the Treasurer of the United States on account of miscellaneous receipts, with an assistant treasurer of the United States, or with a national-bank depository, in the same manner as other miscellaneous collections are deposited. Separate accounts of the receipts and expenditures of money under the act shall be rendered monthly to the Secretary of the Treasury through the bureau on the appropriate forms.

Moneys collected on account of hospital expenses of detained aliens shall be deposited to the credit of the appropriation "Expenses of regulating immigration" for the fiscal year in which such expenses were incurred.

Rule 31.—ATTORNEYS AND OTHER REPRESENTATIVES.

SUBDIVISION 1. *Admission to practice.*—No person who has been convicted of any crime or misdemeanor deemed by the bureau to involve moral turpitude, or who is disbarred from practice before any court of record in the United States, shall be permitted to appear as an attorney on behalf of an alien. Every person desiring to appear on behalf of an alien may be required to submit proof to show that he is a person of good character and reputation, and if such proof fails to satisfy the immigration officer in charge, he shall forward it to the bureau for determination as to whether or not such person shall be permitted to practice before the immigration authorities. Any unseemly or unprofessional conduct on the part of an attorney shall be similarly reported to the bureau.

¹ The fine mentioned in this rule can not be remitted. (25 Op. Atty. Gen., 336.) Where aliens are not fully manifested and claim that the transportation company failed to demand of them at the port of embarkation the omitted data, the practice of requiring them to make affidavit to this fact should be continued at the ports where in the past it has been found useful.

² For details regarding manifests of outward-bound passengers, see bureau circular of Aug. 11, 1910.

SUBD. 2. *Change of representative.*—Pending an appeal or warrant proceedings no alien shall change his representative except upon such reasonable terms as the immigration officer in charge shall prescribe, nor shall such change be permitted to delay the conduct or disposition of the matter pending.

SUBD. 3. *Fees of attorneys, etc.*—Attorneys and persons appearing in behalf of aliens applying for admission shall not charge a sum exceeding \$10 in each case unless the immigration officer in charge shall in writing allow an additional compensation. Should any alien be so poorly supplied with money that the payment by him of a fee of \$10 would seriously impair his chances of admission or materially increase the likelihood of his becoming a public charge if admitted, no fee may be charged. A family or party of aliens traveling together shall be regarded as constituting a single case within the meaning hereof. If an attorney deems himself entitled to a larger fee or if it is necessary for him to incur expenses, he shall report the facts to the immigration officer in charge when applying for the privilege of charging an additional fee or claiming reimbursement for expenses. If permission be granted, he shall collect such additional fee and expenses only through the immigration officer in charge.

SUBD. 4. *Disbarment of attorneys, etc.*—Anyone charging an alien a fee prior to his detention, or charging or receiving from an alien or his relatives or friends a fee, gift, or compensation for his services in excess of the above rate except in the manner provided, or who shall deprive an alien of any part of his chattels or effects in lieu of or as security for said fee, will, if unable after a fair opportunity to answer the complaint, be disbarred by the Department (to which a full report of the matter shall be made) from practicing at any immigration station of the United States.

Rule 32.—CERTIFICATES AS TO POSTING OF IMMIGRATION LAWS, ETC.

Certificates which, under section 8 of the act of March 3, 1893, transportation companies must file in relation to posting of the immigration laws and other matters shall be filed with the bureau on January 1 and July 1 each year.

Rule 33.—SERVICE UNIFORMS.

While on duty, officers and employees of the Immigration Service, whether stationed at ports of entry or elsewhere, shall wear the uniform prescribed by the Bureau, unless otherwise specially directed in writing.

Rule 34.—OFFICIAL CORRESPONDENCE.

Correspondence and reports shall be sent *through official channels* addressed to the Commissioner General of Immigration, Washington, D. C. Telegrams shall be addressed "Immigration Bureau, Washington, D. C."; and in telegraphing, the code provided by the bureau shall be used to the fullest extent possible.

Rule 35.—ADMINISTRATIVE DISTRICTS.

For convenience in enforcing both the immigration and the Chinese-exclusion laws, the territory within which immigration officials are located is divided into districts, under the jurisdiction of commis-

sioners of immigration or inspectors in charge, numbered, defined, and with headquarters fixed, as follows:

Dist. No.	Title of officer.	Location of headquarters.	Extent of districts.
1	Commissioner of immigration.	Montreal, P. Q., Canada.	Canadian border and Canadian seaports.
2	do.....	Boston, Mass.....	New England States, including port of Boston and subports of Portland, New Bedford, and Providence.
3	do.....	Ellis Island, New York Harbor.	New York and New Jersey; immigration matters <i>only</i> .
4	Chinese inspector in charge.	17 State Street, New York, N. Y.	New York and New Jersey; Chinese matters <i>only</i> .
5	Commissioner of immigration.	Philadelphia Immigration Station, Gloucester City, N. J.	Pennsylvania, Delaware, and West Virginia; port of Philadelphia and substations at Pittsburgh, Chester, and Wilmington.
6	do.....	Baltimore, Md.....	Maryland and District of Columbia; port of Baltimore and subports of Annapolis and Washington.
7	Inspector in charge.....	Norfolk, Va.....	Virginia and North Carolina; port of Norfolk and subports of Newport News and Wilmington.
8	do.....	Jacksonville, Fla.....	Georgia, Florida, Alabama, and South Carolina; port of Jacksonville and subports of Savannah, Brunswick, Tampa, Miami, Key West, Pensacola, Mobile, and Charleston.
9	Commissioner of immigration.	New Orleans, La.....	Louisiana, Mississippi, Arkansas, and Tennessee; port of New Orleans and subports of Gulfport and Pascagoula.
10	Inspector in charge.....	Galveston, Tex.....	The port of Galveston and subports of Port Arthur and Corpus Christi, Tex. The territory bounded on the north and east by the Louisiana-Texas border and the Gulf of Mexico; on the west by the westerly boundaries of the following counties in Texas: Shelby, Nacogdoches, Angelina, Polk, San Jacinto, Montgomery, Harris, Fort Bend, Wharton, Jackson, Victoria, Refugio, San Patricio, and Nueces; and on the south by the southerly boundary of Nueces County, Tex.
11	do.....	Cleveland, Ohio.....	Ohio and Kentucky; substations at Toledo and Cincinnati.
12	do.....	Chicago, Ill.....	Illinois, Indiana, Michigan, and Wisconsin.
13	do.....	Minneapolis, Minn.....	Minnesota and North and South Dakota.
14	do.....	St. Louis, Mo.....	Missouri, Iowa, Kansas, and Oklahoma; substation at Kansas City.
15	do.....	Denver, Colo.....	Colorado, Wyoming, Nebraska, and Utah; substation at Salt Lake City.
16	do.....	Helena, Mont.....	Montana and Idaho.
17	Commissioner of immigration.	Seattle, Wash.....	Washington; port of Seattle and subports of Tacoma, Port Townsend, Hoquiam, Everett, and Bellingham; substations, Spokane, Walla Walla, Custer, and Nookachuck.
18	Inspector in charge.....	Portland, Oreg.....	Oregon; port of Portland and subport of Astoria.
19	Commissioner of immigration.	San Francisco, Cal.....	Northern California and Nevada; port of San Francisco; substations at Sacramento and Eureka.
20	Inspector in charge.....	Ketchikan, Alaska.....	Alaska; port of Ketchikan and substations at Skagway and Nome.
21	Commissioner of immigration.	San Juan, P. R.....	Porto Rico; port of San Juan and subports of Ponce and Mayaguez.
22	Inspector in charge.....	Honolulu, Hawaii.....	Territory of Hawaii, including all ports.
23	Supervising inspector..	El Paso, Tex.....	Texas, except portion comprising district No. 9; New Mexico, Arizona, and southern California; port of El Paso; subports of Brownsville, Eagle Pass, Laredo, Hidalgo, and Del Rio, Tex.; Nogales, Douglas, and Naco, Ariz.; and San Diego, Tia Juana, Campo, and Calexico, Cal.; substations at San Antonio, Fort Worth, Kingsville, Amarillo, and Big Springs, Tex.; Tucuman, Alamogordo, Albuquerque, San Marcial, and Deming, N. Mex.; Tucson, Bowie, Benson, and Phoenix, Ariz.; and Los Angeles, Santa Barbara, San Luis Obispo, Fresno, Bakersfield, and Andrade, Cal.

**LAWS NOT REPEALED OR REENACTED BY THE IMMIGRATION ACT OF
FEBRUARY 20, 1907, OR PASSED SUBSEQUENT TO ITS ENACTMENT.**

ACT OF AUGUST 3, 1882 (22 Stat. L., 214).

An Act To regulate immigration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a duty of fifty cents for each and every passenger not a citizen of the United States who shall come by steam or sail vessel from a foreign port to any port within the United States. The said duty shall be paid to the collector of customs of the port to which such passenger shall come, or if there be no collector at such port, then to the collector of customs nearest thereto, by the master, owner, agent, or consignee of every such vessel, within twenty-four hours after the entry thereof into such port. The money thus collected shall be paid into the United States Treasury and shall constitute a fund to be called the immigrant fund and shall be used, under the direction of the Secretary of Labor, to defray the expense of regulating immigration under this act and for the care of immigrants arriving in the United States, for the relief of such as are in distress, and for the general purposes and expenses of carrying this act into effect. The duty imposed by this section shall be a lien upon the vessels which shall bring such passengers into the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy: *Provided*, That no greater sum shall be expended for the purposes hereinbefore mentioned, at any port, than shall have been collected at such port.¹

* * * * *

Approved, August 3, 1882.

ACT OF FEBRUARY 26, 1885 (23 Stat. L., 332).

An Act To prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *

SEC. 2. That all contracts or agreements, express or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation, and any foreigner or foreigners, alien or aliens, to perform labor service or having reference to the performance of labor or service by any person in the United States, its Territories, or the District of Columbia, previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.²

* * * * *

Approved, February 26, 1885.

¹ See sec. 1, act Feb. 20, 1907, and Rules 1 and 2.

² See secs. 2, 4, 5, and 6, act of Feb. 20, 1907.

ACT OF OCTOBER 19, 1888 (25 Stat. L., 566).

An Act Making appropriations to supply deficiencies in appropriations for the fiscal year eighteen hundred and eighty-eight, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *.*

That the act approved February twenty-sixth, eighteen hundred and eighty-five, entitled "An act to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," be, and the same is hereby, amended so as to authorize the Secretary of Labor to pay to an informer who furnishes original information that the law has been violated, such a share of the penalties recovered as he may deem reasonable and just, not exceeding fifty per centum, where it appears that the recovery was had in consequence of the information thus furnished.

* * * * *

Approved, October 19, 1888.

ACT OF MARCH 3, 1891 (26 Stat. L., 1084).

An Act In amendment to the various acts relative to immigration and the importation of aliens under contract or agreement to perform labor.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *.*

SEC. 7. That the office of superintendent of immigration in hereby created and established, and the President, by and with the advice and consent of the Senate, is authorized and directed to appoint such officer, whose salary shall be four thousand dollars per annum, payable monthly. The superintendent of immigration shall be an officer in the Department of Labor, under the control and supervision of the Secretary of Labor, to whom he shall make annual reports in writing of the transactions of his office, together with such special reports, in writing, as the Secretary of Labor shall require. The Secretary shall provide the superintendent with a suitably furnished office in the city of Washington, and with such books of record and facilities for the discharge of the duties of his office as may be necessary. He shall have a chief clerk at a salary of two thousand dollars per annum, and two first-class clerks.¹

* * * * *

Approved, March 3, 1891.

ACT OF FEBRUARY 15, 1893 (27 Stat. L., 449).

An Act Granting additional quarantine powers and imposing additional duties upon the Public Health Service.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *.*

SEC. 7. That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera, or other infectious or contagious diseases, in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so in-

¹See sec. 1, act Mar. 2, 1895, and sec. 22, act Feb. 20, 1907.

creased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded, in the interest of the public health, the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary.

* * * * *

Approved, February 15, 1893.

ACT OF MARCH 3, 1893 (27 Stat. L., 569).

An Act To facilitate the enforcement of the immigration and contract-labor laws of the United States.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *.*

SEC. 8. That all steamship or transportation companies, and other owners of vessels, regularly engaged in transporting alien immigrants to the United States, shall twice a year file a certificate with the Secretary of Labor that they have furnished to be kept conspicuously exposed to view in the office of each of their agents in foreign countries authorized to sell emigrant tickets, a copy of the law of March third, eighteen hundred and ninety-one, and of all subsequent laws of this country relative to immigration, printed in large letters, in the language of the country where the copy of the law is to be exposed to view, and that they have instructed their agents to call the attention thereto of persons contemplating emigration before selling tickets to them; and in case of the failure for sixty days of any such company or any such owners to file such a certificate, or in case they file a false certificate, they shall pay a fine of not exceeding five hundred dollars, to be recovered in the proper United States court, and said fine shall also be a lien upon any vessel of said company or owners found within the United States.¹

* * * * *

Approved, March 3, 1893.

ACT OF AUGUST 18, 1894 (28 Stat. L., 372).

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *.*

The commissioners of immigration at the several ports shall be appointed by the President, by and with the advice and consent of the Senate, to hold their offices for the term of four years, unless sooner removed, and until their successors are appointed; and nominations for such offices shall be made to the Senate by the President as soon as practicable after the passage of this act.

Approved, August 18, 1894.

¹See Rule 32 for time for filing.

ACT OF MARCH 2, 1895 (28 Stat. L., 764).

An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *.*

BUREAU OF IMMIGRATION.

That the Superintendent of Immigration shall hereafter be designated as Commissioner General of Immigration, and, in addition to his other duties, shall have charge, under the Secretary of Labor, of the administration of the alien contract-labor laws, etc.¹

Approved, March 2, 1895.

ACT OF JUNE 6, 1900 (31 Stat. L., 611).

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * ** and hereafter the Commissioner General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese-exclusion law and of the various acts regulating immigration into the United States, its Territories, and the District of Columbia, under the supervision and direction of the Secretary of Labor.

Approved, June 6, 1900.

ACT OF APRIL 29, 1902 (32 Stat. L., 176).

An Act To prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *.*

SEC. 3. That nothing in the provisions of this Act or any other Act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of Labor may prescribe, both as to the admission and return of such person or persons.

* * * * *

Approved, April 29, 1902.

¹See sec. 7, act Mar. 3, 1891, and sec. 22, act Feb. 20, 1907.

ACT OF FEBRUARY 3, 1905 (33 Stat. L., 684).

An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and six, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *.*

BUREAU OF IMMIGRATION.

* * * * *

*Provided, That the Commissioner General of Immigration, with the approval of the Secretary of Labor, shall have power to refund head tax heretofore and hereafter collected under section one of the immigration act approved March third, nineteen hundred and three, upon presentation of evidence showing conclusively that such collection was erroneously made.*¹

Approved, February 3, 1905.

ACT OF FEBRUARY 6, 1905 (33 Stat. L., 689).

An Act To amend an act approved July first, nineteen hundred and two, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March eighth, nineteen hundred and two, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an Act approved March second, nineteen hundred and three, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *.*

SEC. 6. That the immigration laws of the United States in force in the Philippine Islands shall be administered by the officers of the general government thereof designated by appropriate legislation of said government, and all moneys collected under said laws as duty or head tax on alien immigrants coming into said islands shall not be covered into the general fund of the Treasury of the United States, but shall be paid into the treasury of said islands to be used and expended for the government and benefit of said islands.

* * * * *

Approved, February 6, 1905.

ACT OF MARCH 3, 1905 (33 Stat. L., 1156).

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and six, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * *.*

Provided, That the annual subscriptions for publications for use in the immigration service at large may be paid in advance.

Approved, March 3, 1905.

¹ See Rule 1. In the act of Mar. 4, 1911, making appropriation for the conduct of the Immigration Service (36 Stat. L., 1363, 1442) these refunds are authorized to be made only "upon presentation of evidence showing conclusively that collection was made *through error of Government officers.*"

ACT OF MARCH 2, 1907 (34 Stat. L., 1228).

An Act In reference to the expatriation of citizens and their protection abroad.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years a passport may be issued to him entitling him to the protection of the Government in any foreign country: *Provided*, That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention.

SEC. 2. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign State.

When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any other foreign State it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years: *Provided, however*, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe: *And provided also*, That no American citizen shall be allowed to expatriate himself when this country is at war.¹

SEC. 3. That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

SEC. 4. That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continues to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation.

SEC. 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent: *Provided*, That such naturalization or resumption takes place during the minority of such child: *And provided further*, That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States.

¹ This paragraph does not affect the case of a naturalized citizen applying for readmission. (Op. Atty. Gen., Dec. 1, 1910, published as Department Decision No. 119.)

SEC. 6. That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section nineteen hundred and ninety-three of the Revised Statutes of the United States¹ and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

SEC. 7. That duplicates of any evidence, registration, or other acts required by this act shall be filed with the Department of State for record.

Approved, March 2, 1907.

EXTRACT FROM THE SUNDRY CIVIL APPROPRIATION ACT APPROVED MARCH 4, 1909
(under caption "Public Health Service," 35 Stat. L., 969).

* * * * *

In all, one million two hundred and sixty-six thousand seven hundred and fifty dollars, *which shall include the amount necessary for the medical inspection of aliens, as required by section seventeen of the act of Congress approved February twentieth, nineteen hundred and seven, and the provision of said section of said act requiring the reimbursement by the immigration fund for said expenses is hereby repealed.*

ACT APPROVED MARCH 4, 1909 (35 Stat. L., 1060).

An Act Relative to outward alien manifests on certain vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until the provisions of section twelve of the immigration act of February twentieth, nineteen hundred and seven, relating to outward alien manifests, shall be made applicable to passengers going out of the United States to Canada by land carriage, said provisions shall not apply to passengers going by vessels employed exclusively in the trade between the ports of the United States and the Dominion of Canada and the Republic of Mexico.

Approved, March 4, 1909.

ACT OF JUNE 25, 1910 (36 Stat. L., 825).

An Act To further regulate interstate and foreign commerce by prohibiting the transportation therein for immoral purposes of women and girls, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "interstate commerce," as used in this act, shall include transportation from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, and the term "foreign commerce," as used in this act, shall include transportation from any State or Territory or the District of Columbia to any foreign country and from any foreign country to any State or Territory or the District of Columbia.

¹ Sec. 1993, Rev. Stat., reads as follows: "All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States."

SEC. 2. That any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, or in transporting, in interstate or foreign commerce, or in any Territory or in the District of Columbia, any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery, or to engage in any other immoral practice; or who shall knowingly procure or obtain, or cause to be procured or obtained, or aid or assist in procuring or obtaining, any ticket or tickets, or any form of transportation or evidence of the right thereto, to be used by any woman or girl in interstate or foreign commerce, or in any Territory or the District of Columbia, in going to any place for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent or purpose on the part of such person to induce, entice, or compel her to give herself up to the practice of prostitution, or to give herself up to debauchery, or any other immoral practice, whereby any such woman or girl shall be transported in interstate or foreign commerce, or in any Territory or the District of Columbia, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment of not more than five years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 3. That any person who shall knowingly persuade, induce, entice, or coerce, or cause to be persuaded, induced, enticed, or coerced or aid or assist in persuading, inducing, enticing, or coercing any woman or girl to go from one place to another in interstate or foreign commerce, or in any Territory or the District of Columbia, for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose on the part of such person that such woman or girl shall engage in the practice of prostitution or debauchery, or any other immoral practice, whether with or without her consent, and who shall thereby knowingly cause or aid or assist in causing such woman or girl to go and to be carried or transported as a passenger upon the line or route of any common carrier or carriers in interstate or foreign commerce, or any Territory or the District of Columbia, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not more than five thousand dollars, or by imprisonment for a term not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 4. That any person who shall knowingly persuade, induce, entice, or coerce any woman or girl under the age of eighteen years from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, with the purpose and intent to induce or coerce her, or that she shall be induced or coerced to engage in prostitution or debauchery, or any other immoral practice, and shall in furtherance of such purpose knowingly induce or cause her to go and to be carried or transported as a passenger in interstate commerce upon the line or route of any common carrier or carriers, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than ten thousand dollars, or by imprisonment for a term not exceeding ten years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 5. That any violation of any of the above sections two, three, and four shall be prosecuted in any court having jurisdiction of crimes within the district in which said violation was committed, or from, through, or into which any such woman or girl may have been carried or transported as a passenger in interstate or foreign commerce, or in any Territory or the District of Columbia, contrary to the provisions of any of said sections.

SEC. 6. That for the purpose of regulating and preventing the transportation in foreign commerce of alien women and girls for purposes of prostitution and debauchery, and in pursuance of and for the purpose of carrying out the terms of the agreement or project of arrangement for the suppression of the white-slave traffic, adopted July twenty-fifth, nineteen hundred and two, for submission to their respective Governments by the delegates of various powers represented at the Paris conference and confirmed by a formal agreement signed at Paris on May eighteenth, nineteen hundred and four, and adhered to by the United States on June sixth, nineteen hundred and eight, as shown by the proclamation of the President of the United States, dated June fifteenth, nineteen hundred and eight, the Commissioner General of Immigration is hereby designated as the authority of the United States to receive and centralize information concerning the procurement of alien women and girls with a view to their debauchery, and to exercise supervision over such alien women and girls, receive their declarations, establish their identity, and ascertain from them who induced them to leave their native countries, respectively; and it shall be the duty of said Commissioner General of Immigration to receive and keep on file in his office the statements and declarations which may be made by such alien women and girls, and those which are hereinafter required pertaining to such alien women and girls engaged in prostitution or debauchery in this country, and to furnish receipts for such statements and declarations provided for in this act to the persons, respectively, making and filing them.

Every person who shall keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic, shall file with the Commissioner General of Immigration a statement in writing setting forth the name of such alien woman or girl, the place at which she is kept, and all facts as to the date of her entry into the United States, the port through which she entered, her age, nationality, and parentage, and concerning her procurement to come to this country within the knowledge of such person, and any person who shall fail within thirty days after such person shall commence to keep, maintain, control, support, or harbor in any house or place for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl within three years after she shall have entered the United States from any of the countries, party to the said arrangement for the suppression of the white-slave traffic, to file such statement concerning such alien woman or girl with the Commissioner General of Immigration, or who shall knowingly and will-

fully state falsely or fail to disclose in such statement any fact within his knowledge or belief with reference to the age, nationality, or parentage of any such alien woman or girl, or concerning her procurement to come to this country, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than two thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court.

In any prosecution brought under this section, if it appear that any such statement required is not on file in the office of the Commissioner General of Immigration, the person whose duty it shall be to file such statement shall be presumed to have failed to file said statement, as herein required, unless such person or persons shall prove otherwise. No person shall be excused from furnishing the statement, as required by this section, on the ground or for the reason that the statement so required by him, or the information therein contained, might tend to criminate him or subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, matter, or thing, concerning which he may truthfully report in such statement, as required by the provisions of this section.

SEC. 7. That the term "Territory," as used in this act, shall include the district of Alaska, the insular possessions of the United States, and the Canal Zone. The word "person," as used in this Act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person, acting for or employed by any other person or by any corporation, company, society, or association within the scope of his employment of office, shall in every case be also deemed to be the act, omission, or failure of such other person, or of such company, corporation, society, or association, as well as that of the person himself.

SEC. 8. That this act shall be known and referred to as the "White-slave traffic act."

Approved, June 25, 1910.

ACT OF AUGUST 24, 1912 (37 Stat. L., 475).

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * * : Provided,* That all charges for maintenance or return of Chinese persons applying for admission to the United States shall hereafter be paid or reimbursed to the United States by the person, company, partnership, or corporation bringing such Chinese to a port of the United States as applicants for admission.

Approved, August 24, 1912.

ACT OF MARCH 4, 1913 (37 Stat. L., 736).

An Act To create a Department of Labor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created an executive department in the Government to be called the Department of Labor, with a Secretary of Labor, who shall be the head thereof, to be appointed by the President, by and with the advice and consent of the Senate; and who shall receive a salary of twelve thousand dollars per annum, and whose tenure of office shall be like that of the heads of the other executive departments; and section one hundred and fifty-eight of the Revised Statutes is hereby amended to include such Department, and the provisions of title four of the Revised Statutes, including all amendments thereto, are hereby made applicable to said Department; and the Department of Commerce and Labor shall hereafter be called the Department of Commerce, and the Secretary thereof shall be called the Secretary of Commerce, and the act creating the said Department of Commerce and Labor is hereby amended accordingly. The purpose of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment. The said Secretary shall cause a seal of office to be made for the said Department of such device as the President shall approve and judicial notice shall be taken of the said seal.

SEC. 2. That there shall be in said Department an Assistant Secretary of Labor, to be appointed by the President, who shall receive a salary of five thousand dollars a year. He shall perform such duties as shall be prescribed by the Secretary or required by law. There shall also be one Chief Clerk and a Disbursing Clerk, and such other clerical assistants, inspectors, and special agents as may from time to time be provided for by Congress. The Auditor for the State and Other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the Secretary of Labor and of all bureaus and offices under his direction, and all accounts relating to all other business within the jurisdiction of the Department of Labor, and certify the balances arising thereon to the Division of Bookkeeping and Warrants and send forthwith a copy of each certificate to the Secretary of Labor.

SEC. 3. That the following-named offices, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that pertains to the same, known as the Commissioner General of Immigration, the commissioners of immigration, the Bureau of Immigration and Naturalization, the Division of Information, the Division of Naturalization, and the Immigration Service at Large, the Bureau of Labor, the Children's Bureau, and the Commissioner of Labor, be, and the same hereby are, transferred from the Department of Commerce and Labor to the Department of Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named Department. The Bureau of Immigration and Naturalization is hereby divided into two bureaus, to be known hereafter as the Bureau of Immigration and the Bureau of Naturalization, and the

titles Chief Division of Naturalization and Assistant Chief shall be Commissioner of Naturalization and Deputy Commissioner of Naturalization. The Commissioner of Naturalization or, in his absence, the Deputy Commissioner of Naturalization, shall be the administrative officer in charge of the Bureau of Naturalization and of the administration of the naturalization laws under the immediate direction of the Secretary of Labor, to whom he shall report directly upon all naturalization matters annually and as otherwise required, and the appointments of these two officers shall be made in the same manner as appointments to competitive classified civil-service positions. The Bureau of Labor shall hereafter be known as the Bureau of Labor Statistics, and the Commissioner of the Bureau of Labor shall hereafter be known as the Commissioner of Labor Statistics; and all the powers and duties heretofore possessed by the Commissioner of Labor shall be retained and exercised by the Commissioner of Labor Statistics; and the administration of the act of May thirtieth, nineteen hundred and eight, granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

SEC. 4. That the Bureau of Labor Statistics, under the direction of the Secretary of Labor, shall collect, collate, and report at least once each year, or oftener if necessary, full and complete statistics of the conditions of labor and the products and distribution of the products of the same, and to this end said Secretary shall have power to employ any or either of the bureaus provided for his Department and to rearrange such statistical work and to distribute or consolidate the same as may be deemed desirable in the public interests; and said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said Secretary of Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

SEC. 5. That the official records and papers now on file in and pertaining exclusively to the business of any bureau, office, department, or branch of the public service in this act transferred to the Department of Labor, together with the furniture now in use in such bureau, office, department, or branch of the public service, shall be, and hereby are, transferred to the Department of Labor.

SEC. 6. That the Secretary of Labor shall have charge in the buildings or premises occupied by or appropriated to the Department of Labor, of the library, furniture, fixtures, records, and other property pertaining to it or hereafter acquired for use in its business; he shall be allowed to expend for periodicals and the purposes of the library and for rental of appropriate quarters for the accommodation of the Department of Labor within the District of Columbia, and for all other incidental expenses, such sums as Congress may provide from time to time: *Provided, however,* That where any office, bureau, or branch of the public service transferred to the Department of Labor by this act is occupying rented buildings or premises, it may still continue to do so until other suitable quarters are provided for its use: *And provided further,* That all officers, clerks, and employees now employed in any of the bureaus, offices, departments, or branches of the public service in this act transferred to the Department of Labor are each and all hereby transferred to said Department at

their present grades and salaries, except where otherwise provided in this act: *And provided further*, That all laws prescribing the work and defining the duties of the several bureaus, offices, departments, or branches of the public service by this act transferred to and made a part of the Department of Labor shall, so far as the same are not in conflict with the provisions of this act, remain in full force and effect, to be executed under the direction of the Secretary of Labor.

SEC. 7. That there shall be a Solicitor of the Department of Justice for the Department of Labor, whose salary shall be five thousand dollars per annum.

SEC. 8. That the Secretary of Labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done; and all duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this act transferred to the Department of Labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said Department of Labor.

SEC. 9. That the Secretary of Labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his Department and describing the work done by the Department. He shall also, from time to time, make such special investigations and reports as he may be required to do by the President, or by Congress, or which he himself may deem necessary.

SEC. 10. That the Secretary of Labor shall investigate and report to Congress a plan of coordination of the activities, duties, and powers of the office of the Secretary of Labor with the activities, duties, and powers of the present bureaus, commissions, and departments, so far as they relate to labor and its conditions, in order to harmonize and unify such activities, duties, and powers, with a view to further legislation to further define the duties and powers of such Department of Labor.

SEC. 11. That this act shall take effect March fourth, nineteen hundred and thirteen, and all acts or parts of acts inconsistent with this act are hereby repealed.

Approved, March 4, 1913.

ACT OF OCTOBER 22, 1913 (38 Stat. L., 226).

An Act Making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and thirteen, and for other purposes.

* . * * * *

Whenever aliens arriving at any port of the United States are temporarily removed from a vessel in accordance with the provisions of section sixteen of the immigration act approved February twentieth, nineteen hundred and seven, the transportation lines

which brought them and the masters, owners, agents, and consignees of the vessel on which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention pending decision of the eligibility of such aliens to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, and such expenses shall include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and charges for transfer to the vessel in the event of deportation, excepting only where such expenses arise under the terms of any of the provisos of section nineteen of the said immigration act; and aliens shall not be temporarily removed from any vessel unless the master, owner, agent, or consignee thereof shall guarantee in a manner prescribed by and to the satisfaction of the Secretary of Labor that said expenses will be paid.

Approved, October 22, 1913.

TREATY, LAWS, AND RULES GOVERNING THE ADMISSION OF CHINESE.

TREATY CONCERNING THE IMMIGRATION OF CHINESE.

TREATY BETWEEN THE UNITED STATES AND CHINA, CONCERNING IMMIGRATION
(22 Stat. L., 826).¹

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Treaty between the United States of America and China, for the modification of the existing treaties between the two countries, by providing for the future regulation of Chinese immigration into the United States, was concluded and signed at Peking in the English and Chinese languages, on the seventeenth day of November in the year of our Lord one thousand eight hundred and eighty, the original of the English text of which Treaty is word for word as follows:

Whereas, in the eighth year of Hsien Feng, Anno Domini 1858, a treaty of peace and friendship was concluded between the United States of America and China, and to which were added, in the seventh year of Tung Chih, Anno Domini 1868, certain supplementary articles to the advantage of both parties, which supplementary articles were to be perpetually observed and obeyed:—and

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the territory of the United States, and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing Treaties which shall not be in direct contravention of their spirit:—

Now, therefore, the President of the United States of America has appointed James B. Angell, of Michigan, John F. Swift, of California, and William Henry Trescott, of South Carolina as his Commissioners Plenipotentiary; and His Imperial Majesty, the Emperor of China, has appointed Pao Chün, a member of His Imperial Majesty's Privy

¹ Concluded Nov. 17, 1880; ratification advised by the Senate May 5, 1881; ratified by the President May 9, 1881; ratifications exchanged July 19, 1881; proclaimed Oct. 5, 1881.

Council, and Superintendent of the Board of Civil Office; and Li Hungtsao, a member of His Imperial Majesty's Privy Council, as his Commissioners Plenipotentiary; and the said Commissioners Plenipotentiary, having conjointly examined their full powers, and having discussed the points of possible modification in existing Treaties, have agreed upon the following articles in modification.

ARTICLE I.

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.¹ The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with illtreatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese Foreign Office may also bring the

¹ Affected by various provisions of law, prohibiting the admission of Chinese laborers to the United States.

matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

In faith whereof the respective Plenipotentiaries have signed and sealed the foregoing at Peking, in English and Chinese being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from date of its execution.

Done at Peking, this seventeenth day of November, in the year of our Lord, 1880. Kuanghsü, sixth year, tenth moon, fifteenth day.

JAMES B. ANGELL.	[SEAL.]
JOHN F. SWIFT.	[SEAL.]
WM. HENRY TRESPOT.	[SEAL.]
PAO CHÜN.	[SEAL.]
LI HUNGSAO.	[SEAL.]

And whereas the said Treaty has been duly ratified on both parts and the respective ratifications were exchanged at Peking on the 19th day of July 1881:

Now, therefore, be it known that I, Chester A. Arthur, President of the United States of America have caused the said Treaty to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in Washington this fifth day of October in the year of our Lord one thousand eight hundred and eighty-one, and of the Independence of the United States the one hundred and sixth.

[SEAL.]

CHESTER A. ARTHUR.

By the President:

JAMES G. BLAINE,
Secretary of State.

LAWS RELATING TO THE ADMISSION OF CHINESE.

ACT OF MAY 6, 1882, AS AMENDED AND ADDED TO BY ACT OF JULY 5, 1884 (22 Stat. L., 58; 23 Stat. L., 115).¹

An Act To amend an act entitled: "An act to execute certain treaty stipulations relating to Chinese, approved May sixth, eighteen hundred and eighty-two."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May sixth, eighteen hundred and eighty-two, is hereby amended so as to read as follows:

"Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof; Therefore

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after

¹ The act of May 6, 1882, as amended and added to by the act of July 5, 1884, was continued in force for an additional period of 10 years from May 5, 1892, by the act of May 5, 1892 (27 Stat. L., 25); and was, with all laws on this subject in force on Apr. 29, 1902, reenacted, extended, and continued without modification, limitation, or condition by the act of Apr. 29, 1902 (32 Stat. L., 176), as amended by the act of Apr. 27, 1904 (33 Stat. L., 428).

the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States."

Section two of said act is hereby amended so as to read as follows:

"SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may also be imprisoned for a term not exceeding one year."

Section three of said act is hereby amended so as to read as follows:

"SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, nor shall said sections apply to Chinese laborers, who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place: *Provided*: That all Chinese laborers brought on such vessel shall not be permitted to land except in case of absolute necessity, and must depart with the vessel on leaving port."¹

* * * * *

"SEC. 6. That in order to the faithful execution of the provisions of this act, every Chinese person, other than a laborer, who may be entitled by said treaty or this act to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such Government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate, shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States."²

¹ Secs. 4 and 5 have been superseded by the act of Sept. 13, 1888, and are therefore omitted. If needed for reference in historical way or in connection with prosecutions, see 23 Stat L., 115.

² Official signing certificate must be known or shown to have authority from foreign Government (54 Fed., 490). For list of such officials, see Rule 10.

"If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid: *Provided*, That nothing in this act nor in said treaty shall be construed as embracing within the meaning of the word 'merchant,' hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.¹

"If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired.

"The certificate provided for in this act, and the identity of the person named therein shall, before such person goes on board any vessel to proceed to the United States, be viséed by the indorsement of the diplomatic representatives of the United States in the foreign country from which such certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue it shall be his duty to refuse to indorse the same.

"Such certificate viséed as aforesaid shall be prima facie evidence of the facts set forth therein, and shall be produced to the Chinese inspector in charge of the port in the district in the United States at which the person named therein shall arrive, and afterward produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities."²

SEC. 7. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

Section eight of said act is hereby amended so as to read as follows:

"SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the

¹ For definition of "Merchant," see sec. 2, act Nev. 3, 1893; of "Student," Rule 8.

² *Sec. 8 certificates.*—Must conform strictly to all requirements (186 U. S., 168, 176; 83 Fed., 832; 133 Fed., 392; 22 Op. Atty. Gen., 130). Administrative officers sole judge of sufficiency and weight of (186 U. S., 168, 176). Admission under not for laboring purposes (83 Fed., 832; 86 Fed., 605; 133 Fed., 154 and 391). Sole evidence permissible on part of Chinese (140 U. S., 424; 48 Fed., 668; 93 Fed., 797; 97 Fed., 576; 100 Fed., 609). Are prima facie evidence only, and may be ignored where there is any impeaching evidence at all (186 U. S., 168; 217 Fed., 45).

Chinese inspector in charge of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Chinese or of any other foreign Government, traveling on the business of that Government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo.

"Any refusal or willful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo."

SEC. 9. That before any Chinese passengers are landed from any such vessel, the Chinese inspector in charge, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law.

Section ten of said act is hereby amended so as to read as follows:

"SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found." ¹

Section eleven of said act is hereby amended so as to read as follows:

"SEC. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year." ²

Section twelve of said act is hereby amended so as to read as follows:

"SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper Chinese inspector the certificate in this act required of Chinese persons seeking to land from a vessel.

"And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or to remain in the United States; and in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this act or the act of which

¹ See 148 Fed., 918 and 921.

² *Smuggling*.—In general (46 Fed., 755; 124 Fed., 831; 159 Fed., 187 and 421; 164 Fed., 654; 168 Fed., 438; 170 Fed., 201 and 624). "Searches and seizures" (see 149 U. S., 698, 730; and 185 U. S., 306). Deportation decree of United States commissioner sufficient basis for holding that smuggled Chinese were not entitled to enter (124 Fed., 831). See also Rule 7 and footnote.

this is amendatory, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation to be audited and paid by the same officers.

"And the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as entitling such Chinese person to come into the United States who may not have been permitted to land from any vessel by reason of any of the provisions of this act."¹

Section thirteen of said act is hereby amended so as to read as follows:

"SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese or other Governments traveling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons."

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.²

Section fifteen of said act is hereby amended so as to read as follows:

"SEC. 15. That the provisions of this act shall apply to all subjects of China and Chinese, whether subjects of China or any other foreign power; and the words Chinese laborers, wherever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining."³

SEC. 16. That any violation of any of the provisions of this act, or of the act of which this is amendatory, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment.

SEC. 17. That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under the act of which this is amendatory; but such prosecution or other proceeding, criminal or civil, shall proceed as if this act had not been passed.

Approved, July 5, 1884.

ACT OF SEPTEMBER 13, 1888⁴ (25 Stat. L., 476-477).

An Act To prohibit the coming of Chinese laborers to the United States.

* * * * *

SEC. 5. That from and after the passage of this act, no Chinese laborer in the United States shall be permitted, after having left, to return thereto, except under the conditions stated in the following sections.

SEC. 6. That no Chinese laborer within the purview of the preceding section shall be permitted to return to the United States unless

¹ This provision is superseded by one on the same subject contained in the sundry civil act of Aug. 24, 1912, p. 204, post.

² See 149 U. S., 698, 716; 71 Fed., 274; 21 Op. Atty. Gen., 37 and 581.

³ Amended by act of Nov. 3, 1893. See also Rule 2.

⁴ At the time of the passage of this act a proposed treaty with China was under negotiation. As the Chinese Government failed to ratify the treaty, some question arose as to whether this act took effect. Administrative officers held, however, that secs. 5 to 14, excepting sec. 12, did not depend upon the ratification of the treaty, but became operative upon the approval of the act. To remove all possibility of doubt, said sections were reenacted by the acts of 1902 and 1904.

he has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement.¹

The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife.

If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading this act, or that the debts are unascertained and unsettled, and not promissory notes or other similar acknowledgments of ascertained liability.

SEC. 7. That a Chinese person claiming the right to be permitted to leave the United States and return thereto on any of the grounds stated in the foregoing section, shall apply to the Chinese inspector in charge of the district from which he wishes to depart at least a month prior to the time of his departure, and shall make on oath before the said inspector a full statement descriptive of his family, or property, or debts, as the case may be, and shall furnish to said inspector such proofs of the facts entitling him to return as shall be required by the rules and regulations prescribed from time to time by the Secretary of Labor,² and for any false swearing in relation thereto he shall incur the penalties of perjury.

He shall also permit the Chinese inspector in charge to take a full description of his person, which description the inspector shall retain and mark with a number.

And if the said inspector, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall at such time and place as he may designate, sign and give to the person applying a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return.³

If this last-named certificate be transferred, it shall become void, and the person to whom it was given shall forfeit his right to return to the United States.

The right to return under the said certificate shall be limited to one year; but it may be extended for an additional period, not to exceed a year, in cases where, by reason of sickness or other cause of disability beyond his control, the holder thereof shall be rendered unable sooner to return, which facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and certified by such representative of the United States to the satisfaction of the Chinese inspector in charge at the port where such Chinese person shall seek to land in the United States, such certificate to be delivered by said representative to the master of the vessel on which he departs for the United States.⁴

And no Chinese laborer shall be permitted to reenter the United States without producing to the proper officer in charge at the port

¹ See Rule 13 and footnotes thereto.

² By the act of Feb. 14, 1903 (32 Stat. L., 828), the authority and power with respect to the enforcement of the exclusion laws theretofore vested in the Secretary of the Treasury were transferred to the Secretary of Commerce and Labor and by the act of Mar. 4, 1913, to the Secretary of Labor; hence this change and other similar changes in the wording of this reproduction of the several acts.

³ For procedure, see Rule 13.

⁴ See Rule 14.

of such entry the return certificate herein required.¹ A Chinese laborer possessing a certificate under this section shall be admitted to the United States only at the port from which he departed therefrom, and no Chinese person, except Chinese diplomatic or consular officers, and their attendants, shall be permitted to enter the United States except at the ports of San Francisco, Portland, Oregon, Boston, New York, New Orleans, Port Townsend, or such other ports as may be designated by the Secretary of Labor.

SEC. 8. That the Secretary of Labor shall be, and he hereby is, authorized and empowered to make and prescribe, and from time to time to change and amend such rules and regulations, not in conflict with this act, as he may deem necessary and proper to conveniently secure to such Chinese persons as are provided for in articles second and third of the said treaty between the United States and the Empire of China, the rights therein mentioned, and such as shall also protect the United States against the coming and transit of persons not entitled to the benefit of the provisions of said articles.

And he is hereby further authorized and empowered to prescribe the form and substance of certificates to be issued to Chinese laborers under and in pursuance of the provisions of said articles, and prescribe the form of the record of such certificate and of the proceedings for issuing the same, and he may require the deposit, as a part of such record, of the photograph of the party to whom any such certificate shall be issued.

SEC. 9. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer or other Chinese person, in contravention of the provisions of this act, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished with a fine of not less than five hundred dollars nor more than one thousand dollars, in the discretion of the court, for every Chinese laborer or other Chinese person so brought, and may also be imprisoned for a term of not less than one year, nor more than five years, in the discretion of the court.²

SEC. 10. That the foregoing section shall not apply to the case of any master whose vessel shall come within the jurisdiction of the United States in distress or under stress of weather, or touching at any port of the United States on its voyage to any foreign port or place. But Chinese laborers or persons on such vessels shall not be permitted to land, except in case of necessity, and must depart with the vessel on leaving port.

SEC. 11. That any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein required, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars and imprisoned in a penitentiary for a term of not more than five years.

* * * * *

¹ If laborer departs and returns without such certificate, he is subject to deportation (120 Fed., 989; 21 Op. Atty. Gen., 424; 23 Op. Atty. Gen., 619); and his certificate of residence is thereby abrogated (214 Fed., 57).

² See secs. 10 and 11, act of 1882-1884 and footnotes, p. 190.

SEC. 13.¹ That any Chinese person, or person of Chinese descent, found unlawfully in the United States, or its Territories, may be arrested upon a warrant issued upon a complaint, under oath, filed by any party on behalf of the United States, by any justice, judge, or commissioner² of any United States court, returnable before any justice, judge, or commissioner of a United States court, or before any United States court, and when convicted, upon a hearing, and found and adjudged to be one not lawfully entitled to be or remain in the United States, such person shall be removed from the United States to the country whence he came.³

But any such Chinese person convicted before a commissioner of a United States court may, within ten days from such conviction, appeal to the judge of the district court for the district.⁴

A certified copy of the judgment shall be the process upon which said removal shall be made, and it may be executed by the marshal of the district, or any officer having authority of a marshal under the provisions of this section.

And in all such cases the person who brought or aided in bringing such person into the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority in reference to carrying out the provisions of this act, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation, to be audited and paid by the same officers.

SEC. 14. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants, who shall be admitted to the United States under special instructions of the Department of Labor, without production of other evidence than that of personal identity.

* * * * *

Approved, September 13, 1888.

ACT OF MAY 5, 1892⁵ (27 Stat. L., 25).

An Act To prohibit the coming of Chinese persons into the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws now in force prohibiting and regulating the coming into this country of Chinese

¹ The validity of this section is discussed in 47 Fed., 431, 433, 878; 50 Fed., 271; 55 Fed., 58.

² Commissioners may decide questions of citizenship (186 U. S., 193, 200); but a certificate issued by them is not of itself evidence of adjudication (193 U. S., 65, 78; 119 Fed., 786; 161 Fed., 211; 174 Fed., 70; 207 Fed., 696; 21 Op. Atty. Gen., 581). A claim of citizenship *res judicata* based upon a commissioner's decision must be proved by introducing in evidence the complete original record or a certified complete copy thereof. (Id.)

³ For procedure regarding deportation see Rules 23-25.

⁴ *Appeals*.—Not allowed to Government (123 Fed., 159). Are to district court, not judge (194 U. S., 194; 50 Fed., 271). Policy of law opposed to numerous (186 U. S., 193, 201). Must be taken in 10 days (100 Fed., 730, and 153 Fed., 494). See also 110 Fed., 952; 144 Fed., 968; and 147 Fed., 750, and sec. 6, act of 1892.

Decision of commissioner or lower court will not be reversed on questions of fact unless clearly contrary to evidence (49 Fed., 569; 63 Fed., 261; 114 Fed., 702; 116 Fed., 316 and 614; 128 Fed., 697; 137 Fed., 875; 164 Fed., 330; 170 Fed., 182; 211 Fed., 91; 214 Fed., 77; 222 Fed., 66).

Statements made by arrested Chinese to an inspector at time of arrest are admissible in evidence when such Chinese is brought to trial (134 Fed., 19, 25; 195 Fed., 53, 54; 198 Fed., 596, 599, 600; 198 Fed., 603, 604; 203 Fed., 25, 28).

Deportation proceedings.—Are civil, not criminal (149 U. S., 698, 730; 81 Fed., 562; 118 Fed., 442; 126 Fed., 226; 134 Fed., 19; 145 Fed., 791). Defendants can be required to testify for Government (145 Fed., 791; 146 Fed., 670; 147 Fed., 227); and punished for contempt for refusal to testify (160 Fed., 207, and 163 Fed., 1008). Are not "causes" within R. S., sec. 566, 146 Fed., 343.

⁵ The act of Oct. 1, 1888 (25 Stat. L., 504), was repealed by the treaty of 1894 (21 Op. Atty. Gen., 68); hence its omission.

persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this act.

SEC. 2. That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: *Provided*, That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China.¹

SEC. 3. That any Chinese person or person of Chinese descent arrested under the provisions of this act or the acts hereby extended shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof² to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.³

SEC. 4. That any such Chinese person or person of Chinese descent convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period of not exceeding one year and thereafter removed from the United States, as hereinbefore provided.⁴

SEC. 5. That after the passage of this act, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus, by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay.⁵

SEC. 6.⁶ And it shall be the duty of all Chinese laborers within the limits of the United States at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence, and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue, or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as hereinbefore provided, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness or other

¹ Burden on Chinese to show he is entitled to be deported elsewhere than to China (125 Fed., 627). See also 47 Fed., 305; 116 Fed., 612; 20 Op. Atty. Gen., 171.

² Burden of proof on arrested Chinese (149 U. S., 696; 180 U. S., 486; 186 U. S., 193, 200; 193 U. S., 65, 76, and 517; 54 Fed., 334; 57 Fed., 206; 86 Fed., 896; 105 Fed., 188; 111 Fed., 899; 113 Fed., 898; 118 Fed., 442; 125 Fed., 627; 133 Fed., 45; 145 Fed., 791; 146 Fed., 343, 670; 156 Fed., 247; 161 Fed., 211; 185 Fed., 838). Also on those applying for admission (125 Fed., 641; 185 Fed., 838).

³ For procedure of arrest and deportation see Rule 23.

⁴ This provision is void; see 163 U. S., 228.

⁵ Since the passage of the act of 1894 (28 Stat. L., 372, 390, reenacted in sec. 25 of immigration act), the decision of administrative officers, after proper hearing, is final (189 U. S., 86; 198 U. S., 253; 208 U. S., 8; 223 U. S., 673; 168 Fed., 479). Bail not permitted in case of appeal from decision on writ (65 Fed., 788). See also 220 Fed., 538.

⁶ Amended by act of Nov. 3, 1893; see p. 197.

unavoidable cause, he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness, that he was a resident of the United States at the time of the passage of this act;¹ and if upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court.

And any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge.²

SEC. 6 [as amended by section 1 of the act of November 3, 1893]. And it shall be the duty of all Chinese laborers within the limits of the United States who were entitled to remain in the United States before the passage of the act to which this is an amendment to apply to the collector of internal revenue of their respective districts within six months after the passage of this act for a certificate of residence; and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act and the act to which this is an amendment, or who, after the expiration of said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as provided in this act and in the act to which this is an amendment, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one credible witness other than Chinese, that he was a resident of the United States on the fifth of May, eighteen hundred and ninety-two; and if, upon the hearing, it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.³

Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it,⁴ and in such cases the cost of said arrest and trial shall be in the discretion of the court; and any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge; and that no proceedings for a violation of the provisions of said section six of said

¹ Where a Chinese was ordered deported and then escaped, evading apprehension for 10 years, held that he could be deported on original order (220 Fed., 352).

² These registration provisions are constitutional (149 U. S., 698). Registration under either act is sufficient (110 Fed., 154).

³ See 70 Fed., 318, and 152 Fed., 157; also Rule 20.

⁴ See Rule 21.

act of May fifth, eighteen hundred and ninety-two, as originally enacted, shall hereafter be instituted, and that all proceedings for said violation now pending are hereby discontinued:

Provided, That no Chinese person heretofore convicted in any court of the States or Territories or of the United States of a felony shall be permitted to register under the provisions of this act; but all such persons who are now subject to deportation for failure or refusal to comply with the act to which this is an amendment shall be deported from the United States as in said act and in this act provided, upon any appropriate proceedings now pending or which may be hereafter instituted.

SEC. 7. That immediately after the passage of this act the Secretary of the Treasury shall make such rules and regulations as may be necessary for the efficient execution of this act, and shall prescribe the necessary forms and furnish the necessary blanks to enable collectors of internal revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants.

Such certificates shall be issued without charge¹ to the applicant, and shall contain the name, age, local residence, and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of the Treasury, and a duplicate thereof shall be filed in the office of the collector of internal revenue for the district within which such Chinaman makes application.

SEC. 8. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars or imprisoned in the penitentiary for a term of not more than five years.

* * * * *

Approved, May 5, 1892.

ACT OF NOVEMBER 3, 1893 (28 Stat. L., 7).

An Act To amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two.

[Section 1 reenacted, with amendments, section 6 of the act of May 5, 1892, and the amended section is printed with the act of May 5, 1892, ante.]

SEC. 2. The words "laborer" or "laborers," wherever used in this act, or in the act to which this is an amendment, shall be construed to mean both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.²

The term "merchant," as employed herein and in the acts of which this is amendatory, shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise, at a fixed place of business, which business is conducted in his name,³

¹ It was provided by joint resolution of Dec. 7, 1893 (28 Stat. L., 575), that no fee or other compensation should be charged in connection with the registration.

² *Laborers*.—Who are (21 Fed., 785; 57 Fed., 591; 59 Fed., 561; 66 Fed., 953 and 955; 83 Fed., 143; 86 Fed. 303; 87 Fed., 312; 93 Fed., 797; 97 Fed., 576; 100 Fed., 609; 105 Fed., 188; 116 Fed., 614; 137 Fed., 875; 184 Fed., 685; 1 Dist. Ct. Hawaii, 104). Who are not (76 Fed., 450; 94 Fed., 831; 145 Fed., 801).

³ Name need not appear in firm name, but must appear in books and partnership articles (62 Fed., 914; 94 Fed., 831). See also 193 U. S., 517, 521.

and who during the time he claims to be engaged as a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

Where an application is made by a Chinaman for entrance into the United States on the ground that he was formerly engaged in this country as a merchant, he shall establish by the testimony of two credible witnesses other than Chinese the fact that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during such year he was not engaged in the performance of any manual labor, except such as was necessary in the conduct of his business as such merchant, and in default of such proof shall be refused landing.¹

Such order of deportation shall be executed by the United States marshal of the district within which such order is made,² and he shall execute the same with all convenient dispatch; and pending the execution of such order such Chinese person shall remain in the custody of the United States marshal, and shall not be admitted to bail.

The certificate herein provided for shall contain the photograph of the applicant, together with his name, local residence and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office of the United States collector of internal revenue of the district in which such Chinaman makes application.

Such photographs in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of the Treasury.

Approved, November 3, 1893.³

JOINT RESOLUTION OF JULY 7, 1898 (30 Stat. L., 751).

* * * There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

ACT OF APRIL 30, 1900 (31 Stat. L., 141-161).

An Act To provide a government for the Territory of Hawaii.

* * * * *

SEC. 4. That all persons who were citizens of the Republic of Hawaii on August twelfth, eighteen hundred and ninety-eight, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

* * * * *

SEC. 101. That Chinese in the Hawaiian Islands when this act takes effect may within one year thereafter obtain certificates of residence as required by "An act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two, as amended by an act approved November third, eighteen hundred and ninety-three, entitled "An act to amend an act entitled 'An act to prohibit the coming of Chinese persons into the United States,' approved May fifth, eighteen hundred and ninety-two," and

¹ *Domiciled merchants*.—For who are not, see footnote 2, p. 197. For procedure concerning, see Rule 15. Do not need "Sec. 6" certificate (144 U. S., 47). Absence for six years does not change status, interest in store in United States having continued (52 Fed., 203). For admission of wives and children of, see Rule 9.

² Amended by sundry civil appropriation act of June 23, 1913, p. 204, post.

³ The treaty of Dec. 8, 1894 (28 Stat. L., 1210), was denounced by China in 1904 and expired under such denunciation in December of that year; hence its omission.

until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificates: *Provided, however,* That no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or District of the United States from the Hawaiian Islands.

* * * * *

Approved, April 30, 1900.

ACT OF JUNE 6, 1900 (31 Stat. L., 588-611).

An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

* * * and hereafter the Commissioner General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese-exclusion law and of the various acts regulating immigration into the United States, its Territories, and the District of Columbia, under the supervision and direction of the Secretary of Labor.

* * * * *

Approved, June 6, 1900.

ACT OF MARCH 3, 1901 (31 Stat. L., 1093).

An Act Supplementary to an act entitled "An Act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two, and fixing the compensation of commissioners in such cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the district attorney of the district in which any Chinese person may be arrested for being found unlawfully within the United States, or having unlawfully entered the United States, to designate the United States commissioner within such district before whom such Chinese person shall be taken for a hearing.

SEC. 2. That a United States commissioner shall be entitled to receive a fee of five dollars for hearing and deciding a case arising under the Chinese-exclusion laws.

SEC. 3. That no warrant of arrest for violations of the Chinese-exclusion laws shall be issued by the United States commissioners excepting upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector, deputy collector, or inspector of customs, immigration inspector, United States marshal, or deputy United States marshal, or Chinese inspector, unless the issuing of such warrant of arrest shall first be approved or requested in writing by the United States district attorney of the district in which issued.

SEC. 4. That this act shall take effect immediately.

Approved, March 3, 1901.

ACT OF APRIL 29, 1902, AS AMENDED AND REENACTED BY SECTION 5 OF THE DEFIC-
ENCY ACT OF APRIL 27, 1904¹ (32 Stat. L., part 1, 176; 33 Stat. L., 394-428).

An Act To prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

SECTION 1. All laws in force on the twenty-ninth day of April, nineteen hundred and two, regulating, suspending, or prohibiting the

¹ For explanation of effect of these acts, see 142 Fed., 128.

coming of Chinese persons or persons of Chinese descent into the United States, and the residence of such persons therein, including sections five, six, seven, eight, nine, ten, eleven, thirteen, and fourteen of the act entitled "An act to prohibit the coming of Chinese laborers into the United States," approved September thirteenth, eighteen hundred and eighty-eight, be, and the same are hereby, reenacted, extended, and continued, without modification, limitation, or condition; and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States; whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory:¹ *Provided, however,* That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group; and any islands within the jurisdiction of any State or the district of Alaska shall be considered a part of the mainland under this section.

SEC. 2. That the Secretary of Labor² is hereby authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this act and of the acts hereby extended and continued and of the treaty of December eighth, eighteen hundred and ninety-four, between the United States and China, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of said treaty and said Acts.

SEC. 3. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of Labor may prescribe, both as to the admission and return of such person or persons.

SEC. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in, any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Commission is authorized

¹ See Rule 11.

² By the act of Feb. 14, 1903, entitled "An act to establish the Department of Commerce and Labor" (32 Stat. L., 825), the Commissioner General of Immigration, the Bureau of Immigration, and the Immigration Service were transferred from the Treasury Department to the Department of Commerce and Labor, and by the act of Mar. 4, 1913, to the Department of Labor.

and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence, so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: *Provided, however*, That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this act, said commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year.

Approved, April 29, 1902.

ACT OF FEBRUARY 20, 1907¹ (34 Stat. L., part 1, 898, 906).

An Act To regulate the immigration of aliens into the United States.

* * * * *

SEC. 2.² That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge;³ professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living;⁴ persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons herein-after called contract laborers who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written, or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing

¹ As Chinese applying for admission are in all respects subject to examination under the immigration law, as well as under the exclusion laws (24 Op. Atty. Gen., 706; 161 Fed., 627; 163 Fed., 1021; 164 Fed., 506; 170 Fed., 566; 174 Fed., 674; 176 Fed., 933, 998; 183 Fed., 260; 223 U. S., 67), and may be deported on departmental warrant if they enter the country in violation of law (176 Fed., 933, 998; 223 U. S., 67; 202 Fed., 65, 914; 203 Fed., 25), there are inserted here the sections of the immigration act of 1907 that most frequently have to be referred to in Chinese cases.

² As amended by act approved Mar. 26, 1910.

³ For provisions for landing under bond persons likely to become public charges and persons certified for physical defects, see Rule 17, immigration rules of Nov. 15, 1911.

excluded classes and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; all children under sixteen years of age unaccompanied by one or both of their parents, at the discretion of the Secretary of Labor or under such regulations as he may from time to time prescribe:¹ *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign Government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *And provided further*, That skilled labor may be imported if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

* * * * *

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.²

* * * * *

SEC. 18. That it shall be the duty of the owners, officers, or agents of any vessel or transportation line, other than those railway lines which may enter into a contract as provided in section thirty-two of this act, bringing an alien to the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the negligent failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and be punished by a fine in each case of not less than one hundred nor more than one thousand dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported as provided in sections twenty and twenty-one of this act.³

* * * * *

SEC. 20. That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported to the country whence he came

¹ See Rule 6, immigration rules of Nov. 15, 1911.

² For provisions for landing under bond persons likely to become public charges and persons certified for physical defects, see Rule 17, immigration rules of Nov. 15, 1911.

³ See Rule 22, Immigration Rules of Nov. 15, 1911.

at any time within three years after the date of his entry into the United States. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the "immigrant fund" provided for in section one of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessel or transportation line by which such aliens respectively came.¹ *Provided*, That pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than five hundred dollars with security approved by the Secretary of Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.¹

SEC. 21. That in case the Secretary of Labor shall be satisfied that an alien has been found in the United States in violation of this act, or that an alien is subject to deportation under the provisions of this act or of any law of the United States,² he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section twenty of this act,³ and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section nineteen of this act: *Provided*, That when in the opinion of the Secretary of Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner.⁴

* * * * *

SEC. 25. * * * *Provided*, That in every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Labor. * * *

* * * * *

SEC. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

¹ See subdivision 5, Rule 22, Immigration Rules of Nov. 15, 1911.

² When the act of 1907 was passed, all prior acts and parts of acts, including the acts of 1903, were repealed (see section 43 thereof), and the only other "law of the United States" left in existence under which an alien could be deported was the exclusion laws. Therefore, Chinese aliens found in the United States in violation of the exclusion laws are subject to deportation under this section. Indeed, as section 35, post, "requires deportation to the trans-Pacific ports from which such aliens embarked for the United States, it is rather hard to say that" this section (21) "has not the Chinese specially in mind" (223 U. S., 67, 70). See also 220 Fed., 538; 221 Fed., 500; 222 Fed., 693.

³ See rule 22, Immigration Rules of Nov. 15, 1911.

⁴ For procedure for providing attendant, see Rule 23, Immigration Rules of Nov. 15, 1911.

SEC. 36. That all aliens who shall enter the United States except at the seaports thereof, or at such place or places as the Secretary of Labor may from time to time designate, shall be adjudged to have entered the country unlawfully and shall be deported as provided by sections twenty and twenty-one of this act:¹ *Provided*, That nothing contained in this section shall affect the power conferred by section thirty-two of this act upon the Commissioner General of Immigration to prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico.

* * * * *

Approved, February 20, 1907.

ACT OF AUGUST 24, 1912 (37 Stat. L., 417, 476).

* * * *Provided*, That all charges for maintenance or return of Chinese persons applying for admission to the United States shall hereafter be paid or reimbursed to the United States by the person, company, partnership, or corporation bringing such Chinese to a port of the United States as applicants for admission.

* * * * *

Approved, August 24, 1912.

ACT OF JUNE 23, 1913 (38 Stat. L., 65).

* * * *Provided*, That from and after July first, nineteen hundred and thirteen, all Chinese persons ordered deported under judicial writs shall be delivered by the marshal of the district or his deputy into the custody of any officer designated for that purpose by the Secretary of Labor, for conveyance to the frontier or seaboard for deportation in the same manner as aliens deported under the immigration laws.

Approved, June 23, 1913.

ACT APPROVED OCTOBER 22, 1913.

An Act Making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and thirteen, and for other purposes.

* * * * *

Whenever aliens arriving at any port of the United States are temporarily removed from a vessel in accordance with the provisions of section sixteen of the immigration act approved February twentieth, nineteen hundred and seven, the transportation lines which brought them and the masters, owners, agents, and consignees of the vessel on which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention pending decision of the eligibility of such aliens to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, and such expenses shall include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and charges for transfer to the vessel in the event of deportation, excepting only where such expenses arise under the terms of any of the provisos of section nineteen of the said immigration act; and aliens shall not be temporarily removed

¹ See Rule 22, immigration rules of Nov. 15, 1911.

from any vessel unless the master, owner, agent, or consignee thereof shall guarantee in a manner prescribed by and to the satisfaction of the Secretary of Labor that said expenses will be paid.

Approved, October 22, 1913.

EXECUTIVE ORDER OF THE GOVERNOR OF THE PHILIPPINE ISLANDS.

GOVERNMENT OF THE PHILIPPINE ISLANDS,
EXECUTIVE BUREAU,
Manila, P. I., September 23, 1904.

EXECUTIVE ORDER }
No. 38.

Whereas the Department of Commerce and Labor of the United States has, under date of July twenty-seventh, nineteen hundred and three, issued a certain rule to regulate the admission of Chinese persons from the Philippine Islands into the mainland territory of the United States and into the insular possessions of the United States other than the Philippine Islands, which said rule is as follows:

[Since the issuance of this order the rule mentioned has been amended; reference should therefore be had to Rule 11, p. 214.]

* * * * *

And whereas it is the desire of the government of the Philippine Islands to afford to such eligible Chinese persons, residents of these islands, as desire to depart out of the same for other parts or possessions of the United States, the privilege so to do and to give evidence of such permission and of the status of each person so permitted in the manner now required by law in the case of Chinese persons departing out of a foreign country as nearly as may be: Now, therefore,

* * * The collector of customs for the Philippine Islands is hereby designated to grant such permission in the name of the government of the Philippine Islands to all such Chinese persons as shall have duly established to his satisfaction their eligibility under the law to enter the mainland territory of the United States or any other of its insular possessions.

This permission, and the prima facie establishment of the facts showing eligibility, shall be evidenced by a certificate signed and approved by him in analogy to the certificate required by section six of the act of Congress of July fifth, eighteen hundred and eighty-four, and referred to in the rule above cited.

It is further ordered that in the case of Chinese persons coming from the other insular possessions of the United States to the Philippine Islands, bearing certificates issued in pursuance of the rule above mentioned, they shall be accorded at the ports of the Philippine Islands the same rights of entry as they would have did they come possessed of similar certificates issued by a foreign Government.

LUKE E. WRIGHT,
Civil Governor.

RULES GOVERNING THE ADMISSION OF CHINESE.¹

The following rules, issued in pursuance of the foregoing treaty and laws governing the admission of Chinese, are hereby promulgated for the guidance of immigration officials and others concerned. These rules supersede all previously issued rules and regulations, also all circulars of instructions regarding the enforcement of the Chinese exclusion laws inconsistent herewith:

RULE 1. No Chinese person, other than a Chinese diplomatic or consular officer and attendants, shall be permitted to enter the United States elsewhere than at the ports of San Francisco, Cal.; Portland, Oreg.; Boston, Mass.; New York, N. Y.; New Orleans, La.; Port Townsend and Seattle, Wash.; Honolulu, Hawaii; San Juan and Ponce, P. R.; San Diego, Cal.; and Tampa, Fla.:² *Provided, however,* That Chinese seeking admission or readmission to the United States from the Orient through Canada shall be examined under both the immigration and Chinese-exclusion laws at Vancouver, B. C., those there found admissible to be furnished with a certificate of identity, on which they shall be permitted to cross the Canadian boundary, on identification, at Sumas, Wash.; Portal, N. Dak.; Noyes, Minn.; Detroit, Mich.; Buffalo, N. Y.; Malone, N. Y.; Richford, Vt.; Lowelltown, Me.; or Vanceboro, Me.; and Chinese seeking admission, or readmission without having been preinvestigated, *from Canada* shall be permitted to apply for examination to the United States immigration officials at Vancouver, B. C.; Winnipeg, Manitoba; or Montreal, Quebec, those there found admissible to be furnished with a certificate of identity and permitted to cross the Canadian boundary on identification at the boundary ports above mentioned, or at Island Pond, Vt., St. Albans, Vt., Rouses Point, N. Y., Suspension Bridge, N. Y., and Port Huron, Mich.; and Chinese seeking readmission from Canada and holding a return certificate issued after preinvestigation in accordance with Rule 13, 15, or 16, shall be permitted to reenter through any one of the said border ports upon identification at Vancouver, B. C.; Winnipeg, Manitoba; or Montreal, Quebec, as the rightful holder of the return certificate, and the surrendering of such certificate.

RULE 2. Only those Chinese persons who are expressly declared by the treaty and laws relating to the exclusion of Chinese to be admissible shall be allowed to enter the United States, and those only upon compliance with the requirements of said treaty and laws and of rules issued thereunder.³ The admissible classes, therefore, are teachers; students; travelers for curiosity or pleasure; and merchants,⁴ and their lawful wives and minor children,⁵ officials of the Chinese Government, together with their body and household servants; Chi-

¹ For laws and rules applying to the cases of aliens in general (including Chinese), see pp. 131 to 171.

Neither the immigration nor the Chinese-exclusion rules are enforced in the Philippine Islands by officers of the Department of Labor, the act of Feb. 6, 1905 (33 Stat. L., 689-692), prescribing that the United States immigration laws shall be administered in said islands by the officers of the general government thereof.

² Sec. 7, act of Sept. 13, 1888.

³ 22 Op. Atty. Gen., 130, 132, 133; 57 Fed., 591; 116 Fed., 614.

⁴ Sec. 6, act July 5, 1884, and Art. 11 of treaty; but Department has held that bankers are to be regarded as "merchants," and editors as "teachers." For definition of "merchant," see act of 1893 and footnotes; for definition of "student," Rule 8.

⁵ 176 U. S., 459. But relatives other than wives and minor children of exempts are not admissible, 4 Treasury Decisions, 315; and widows and their minor children are not admissible, Department of Commerce and Labor Decisions Nos. 23 and 35.

nese persons holding the return certificate prescribed by Rules 13, 15, and 16; those seeking in good faith to pass through the country to foreign territory, as provided in Rules 17 and 18; persons whose physical condition necessitates immediate hospital treatment;¹ Chinese persons shown to have been born in the United States,² and the wives³ and children⁴ of such Chinese American citizens; and seamen as provided in Rule 7.

RULE 3.⁵ (a) Chinese aliens shall be examined as to their right to admission under the provisions of the immigration law and rules as well as under the provisions of the Chinese-exclusion treaty, laws, and rules.⁶ As the former law and rules relate to aliens generally, the status of Chinese applicants must first be determined thereunder; then, if found admissible under the immigration law and rules, their status under the Chinese-exclusion law and rules shall be determined. In order to avoid inconvenience, delay, or annoyance to Chinese applicants through misunderstanding, and in the interest of good administration, examination under both sets of laws and rules shall be made, in the order stated, only at the ports named and in the manner specified in Rule 1 hereof.⁷

(b) The above-mentioned examinations shall be separate and apart from the public, in the presence of Government officials and such other persons only as the officers in charge shall permit.⁸ All witnesses appearing on behalf of any applicant shall be fully heard.⁹

RULE 4. (a) A Chinese presenting the certificate prescribed by section 6 of the act of July 5, 1884, in proper form and duly viséed by United States consular officers stationed at Canton, Hongkong, Shanghai, or Yokohama, shall be admitted, so far as the exclusion laws are concerned, simply upon identification as the proper holder of the certificate. Diplomatic and consular officers by whom such certificates are viséed, will, in accordance with instructions issued at the request of the Department of Labor by the Department of State, forward to the immigration official in charge at the proposed port of entry a report of the investigation conducted before viséing the certificate, in connection with which the family history of the applicant shall be fully disclosed. Such reports shall be filed with the record of the case, for possible future reference.

(b) The officer in charge of a district in which a port of entry is located shall promptly notify the officers in charge of other districts of the admission or readmission at such port of any member of the exempt classes, or of the wife or minor child of such an exempt, destined to such other district, and it shall be the duty of all officers in charge of districts to make subsequent investigations regarding such Chinese, so that deportation proceedings may be instituted if it is ascertained that they are illegally within the United States.

¹ See Immigration Rule 19.

² 169 U. S., 649, but convincing evidence should be required—140 U. S., 417.

³ Are admitted, not as citizens, but as the wives of citizens—170 Fed., 566; 225 U. S., 460.

⁴ Sec. 1993, R. S., and sec. 6, act of Mar. 2, 1907 (34 Stat. L., 1238).

⁵ For instructions regarding spelling of Chinese names see Bureau Circular No. 12, dated Feb. 16, 1905. It is the well-established practice that immigration officials shall not board vessels of foreign navies arriving at ports of the United States in connection with the enforcement of the Chinese-exclusion laws.

⁶ 24 Op. Atty. Gen., 706; 161 Fed., 627, and 163 Fed., 1921; 164 Fed., 506; 170 Fed., 566; 174 Fed., 674; 176 Fed., 933 and 998; 183 Fed., 260; 223 U. S., 67.

⁷ Burden of proof is upon applicant to show admissibility (125 Fed., 641; 185 Fed., 838). See also footnote to sec. 3, act of 1892.

As to responsibility of transportation companies for Chinese aliens temporarily landed, see extract from sundry civil act of Aug. 24, 1912, p. 32, ante; for regulations regarding hospital treatment, Immigration Rule 19.

⁸ 194 U. S., 161, 170; 198 U. S., 253, 263; 208 U. S., 8, 13; 190 Fed., 897.

RULE 5. (a) If upon the conclusion of the hearing the Chinese applicant is adjudged to be inadmissible, he shall be advised of his right to appeal to the Secretary of Labor by a notice in the Chinese language. If the rejected applicant elects to appeal, written notice thereof must be served on the officer in charge within five days, exclusive of Sundays and legal holidays, after rejection.

(b) Applicant's counsel shall be permitted, after notice of appeal has been duly filed, to examine the record upon which the excluding decision is based, and may be loaned a copy of the transcript of testimony contained therein. If there is a consular officer of China at the port where examination is held, he also shall be notified in writing that the said Chinese applicant has been refused a landing, and shall be permitted to examine the record. The word "record" as used in this paragraph shall not be construed to include memoranda of comment or letters of transmittal unless they contain evidence additional to that in the record proper.

(c) The notice of appeal shall act as a stay upon the disposal of the applicant until a final decision is rendered by the Secretary of Labor; and, within ten days after the excluding decision is rendered, unless further delay is required to investigate and report upon new evidence, the complete record of the case, together with such briefs, affidavits, and statements as are to be considered in connection therewith, shall be forwarded to the Secretary of Labor by the officer in charge at the port of arrival, accompanied by his views thereon in writing. If, on appeal, evidence in addition to that brought out at the hearing is submitted, it shall be made the subject of prompt investigation by the officer in charge and be accompanied by his report.¹

(d) Additional time for the preparation of cases will be allowed only when, in the judgment of the officer in charge, a literal compliance herewith would occasion injustice to the appellant or the risk of defeat of the purposes of the law. The reasons for the extension of time shall in every instance be stated in writing and forwarded with the appeal.²

(e) Applications for reopening decided cases must be submitted to the officer in charge at the port of detention; and the reopening of such cases will not be authorized by the bureau or department (unless for quite extraordinary reasons) except upon recommendation of such officer.

Whenever, either before or after receipt of a decision from the Washington authorities affirming an excluding decision, an officer in charge learns of new evidence of such relevancy and materiality as in his opinion to require that, in justice to the applicant, it be considered, he may stay deportation and request the bureau's permission to reopen the case, at the same time briefly stating the general nature of the new evidence. When necessary to telegraph, the telegram shall be in substantially the following form:

For the purpose of receiving new material evidence, recommend reopening case of ——. [Very briefly indicate character of new evidence.]

¹ Compliance with this procedure is "due process of law," and the decision of the immigration officer; unless reversed on appeal to the Secretary of Labor, is final (158 U. S., 538; 189 U. S., 86; 194 U. S., 101, 198 U. S., 253; 208 U. S., 8; 223 U. S., 673; 157 Fed., 447; 161 Fed., 592; 168 Fed., 479 and 488).

Administrative officers are sole judges of sufficiency and weight of evidence submitted to them (186 U. S., 168, 176). See also 223 U. S., 673. Decisions by such officers not res judicata (180 U. S., 486; 202 U. S., 281; 85 Fed., 422; 97 Fed., 576; 196 Fed., 736).

² For manner of insuring payment of expenses incident to additional delays, see Rule 27 of Immigration Rules.

The words "For the purpose of receiving new material evidence, recommend reopening case of" shall be represented by the code word "Renvoy."

Whenever a case is referred back to an officer in charge by the Washington authorities in order that additional evidence may be taken, such case is thereby reopened, and after the new evidence has been taken said officer shall render a new decision, in which he may in his discretion reaffirm, alter, or reverse the previous decision.

(f) When it appears from an appeal record before the Department that the applicant has almost, but not quite, established his right to enter, and that delaying final decision and temporarily landing such applicant may result within a reasonable time in the production of evidence sufficient to justify permanent landing, the acceptance of bond,¹ in the penalty of not less than two thousand dollars, will be authorized, such bond to be conditioned that the temporarily landed alien shall appear when required for any hearing or hearings touching his right to admission and shall deliver himself or be produced for return to the country whence he came, if and when found not entitled to enter and remain in the United States. Such bond shall be executed in strict conformity with the requirements prescribed in the form¹ provided by the Bureau of Immigration, and the sureties thereon shall be approved as good and sufficient by the officer in charge at the port of application.

Any person so allowed to proceed shall not be considered as having entered the United States unless and until it is finally decided by the Secretary of Labor that he is lawfully entitled to admission, and such decision is duly entered of record; and if it shall finally be decided that such person is not entitled to admission he shall be deemed to be subject to exclusion by executive action as if he had been stopped at the boundary of the country pending the determination of his right to enter,² except that the transportation agency by which he was brought to this country shall be responsible only for the return of such person to the country whence he came, and not also for his maintenance and safe custody for the period during which he is permitted to go at large in accordance with the provisions hereof.

RULE 6. (a) Every Chinese person refused admission to the United States, being actually or constructively on the vessel or other conveyance by which he was brought to a port of entry, must be returned to the country whence he came, at the expense of the transportation agency owning such vessel or conveyance.

(b) The master, agent, or owner of any vessel or other means of transportation by which Chinese persons are brought to any port of entry shall, at least twenty-four hours before the intended time of departure of the vessel or other vehicle, notify the officer in charge at said port of such sailing or departure, in order that the said officer may place on board every Chinese person whose application for permission to land has been finally denied.

RULE 7. Chinese employed on board vessels shall not be regarded as in any sense members of the exempt classes,³ but shall be considered and treated as laborers.⁴ Masters of vessels that enter ports

¹ Form No. 564.

² 198 U. S., 283; 161 Fed., 627; 163 Fed., 1021.

³ Art. II, treaty of 1880 (p. 186, ante); sec. 6, act of 1882-1884 (p. 188, ante); 185 Fed., 907.

⁴ Sec. 2, act of 1882-1884 (p. 187, ante); sec. 9, act of 1888 (p. 193, ante); 185 Fed., 907.

of the United States with Chinese employed thereon shall not land, attempt to land, or permit to be landed any such Chinese employees, otherwise than in accordance with the terms of the laws and regulations regarding Chinese laborers: ¹ *Provided, however,* That such Chinese employees may be discharged or granted shore leave in ports of the United States, if the owner, master, or officer in charge of the vessel first properly executes and files with the immigration officer in charge at such a port a bond with approved security in the penalty of \$500 for each such Chinese conditioned for departure from and out of the United States within thirty days, ² a complete personal description and a photograph of the Chinese referred to therein to be attached to said bond. If any master of a vessel entering a United States port with Chinese employed thereon lands, attempts to land, or permits to be landed otherwise than in conformity with this rule any such Chinese employee, the matter shall be referred to the local United States attorney for prosecution of the master under section 2 of the act of 1882-4, or section 9, act of 1888, or both. ³

RULE 8. (a) A student ⁴ within the meaning of the treaty and laws of the United States relating to the admission and exclusion of Chinese is a person who pursues some regular course of study, including the higher branches of learning, but not excluding the elementary or preparatory branches, if undertaken in good faith; and for whose maintenance and support as a student in the United States adequate financial provision has been made or satisfactorily assured, and who, upon the conclusion of his studies, departs from the United States, unless then found to be qualified to remain as provided in paragraph (d) hereof. ⁵

(b) In determining whether an applicant for a "section 6" certificate as a student is entitled to receive same, care shall be exercised by consular officers to ascertain that proper arrangements have been perfected for applicant's schooling, that some particular school or college has been selected, or that he is going to some responsible person who will select a proper school for him, and that adequate financial provision has been made for maintenance and tuition. Consular officers will advise officers in charge of the result of the investigation regarding these points. Immigration officers shall cooperate fully and promptly with consular officers whenever requested to conduct an investigation in the United States with respect to the character of a school or upon any other point. If circumstances indicate that any element of commercialism or promotion of immigration is involved in the case, consular officers shall bring the facts to the attention of the Department of Labor, through the Department of State, before viséing the certificate.

(c) No applicant admitted as a student shall be permitted to follow in the United States any other occupation than that of studying unless and until he shall have made application to the immigration officer in

¹ Sec. 7, act of 1888 (p. 192, ante), and Rule 13 (p. 215, post).

² 101 Fed., 989; 183 Fed., 33; 185 Fed., 907.

³ A rule, similar to the above, requiring that bond should be furnished as a condition precedent to the landing of Chinese laborers employed as seamen has been in force for many years (see Treasury Decision of Mar. 7, 1890—Syn. 9900—Synopsis of Decisions, 1890). Said rule was approved by Congress in the act of 1902-4 (p. 199, ante), and authority given to continue it or to amend or extend it as occasion might arise (see p. 12, pt. 2, H. R. Rept. 1231, 57th Cong., 1st sess., and pp. 3662, 3801, 3802, 4240, 4245 (in particular), 4307, 4419, 4424, 4689, 4761, 4792, vol. 35, Congressional Record).

⁴ See Rule 3 regarding landing of students.

⁵ A stricter definition than this has been cited with approval in a decision of a district court, not published, but of record in the Bureau of Immigration (*United States v. Fun Fu*, No. 52730-85).

charge of the district of his residence¹ for the privilege of changing from that to some other exempt occupation and been granted such privilege. From an adverse decision by an immigration official in charge on such an application, appeal shall be allowed to the Commissioner General of Immigration.

(d) Officers in charge at ports of entry shall in each instance in which a student is admitted advise the officer in charge of the district in which is located the school to which the admitted applicant claims to be going; and the latter shall ascertain whether the avowed purpose of the student is carried out, and, if so, shall make arrangements with the head of the school under which such officer in charge will be promptly advised if the student leaves the school or completes his course therein, and of his future address.

RULE 9. (a) The Supreme Court having held² that the lawful wife and children of a Chinese of the exempt classes may be admitted to the United States without presenting the certificate prescribed by section 6 of the act of July 5, 1884, and the theory of said judicial exception to the provisions of the treaty and laws being that the dependent members of the household of a member of the exempt classes may enter without the prescribed certificate because the husband and father is entitled to the company of the wife and the care and custody of the children and because, such wife and children having no status of their own, to require them to present the certificate would be to attempt to exact an impossibility, the following conditions are prescribed with respect to the proof that shall be exacted in the cases of such wives and children applying for admission.

(b) In every instance there shall be exacted convincing proof of the relationship asserted as the basis for admission. If the members of the household of the exempt apply in company with the latter, the certificate presented by the husband or father will be accepted as sufficient to cover the members of his household. If the husband or father is domiciled in the United States, evidence shall be required concerning him of the character specified by section 2 of the act approved November 3, 1893, to establish the right of a domiciled merchant to readmission after temporary absence from the United States.³

(c) In the absence of evidence to the contrary, it shall be assumed that a wife or unmarried daughter is a member of the household of the husband or father.

(d) Male children 14 years of age or under⁴ shall be conclusively presumed to be members of the father's household. Male children 15 years of age or over and under 18 years of age⁴ shall be presumed to be members of the father's household, but such presumption shall be subject to rebuttal. Such children 18 years of age or over and under 21 years of age⁴ shall be required to prove affirmatively and to the satisfaction of the Secretary of Labor that they are members of the father's household.

(e) No Chinese male 21 years of age or over⁴ shall be permitted to enter the United States otherwise than as of his own individual

¹ See Rule 26 for list of officers.

² 176 U. S., 459.

³ This provision is a necessary requirement to minimize the perpetration of fraud. It has stood in the Chinese regulations since July 27, 1903 (see pamphlet of December, 1903), and was of course adopted in pursuance of the general authority conferred upon the Department to promulgate regulations needed to give the law effect, and of the special authority in that regard conferred by the act of 1902-4 (see footnote 3, page 210, ante. As to character of proofs of mercantile status, see Rule 15, par. j).

⁴ American reckoning.

status and capacity as a member of the exempt classes and upon exhibition of the certificate prescribed by section 6 of the act of July 5, 1884, irrespective of whether he is or is not a member of the household of his exempt father.

(f) The Supreme Court having held¹ that a person of the Chinese race born in the United States is a citizen thereof under the Constitution, and persons of said race not being eligible to become citizens by naturalization,² i. e., otherwise than by birth within the limits of the country, but citizens of this country being entitled to the company of their wives and to the care and custody of their children, upon the same theory described in paragraph (a) hereof, the dependent members of the household of a Chinese American citizen may be admitted to the United States without presenting the certificate required by section 6 of the act of July 5, 1884, and the following conditions are prescribed with respect to the proof that shall be exacted in such cases.

(g) In every instance there shall be exacted convincing proof of the citizenship of the alleged husband or father and of the relationship to him asserted as the basis for the applicant's claim to admission; and paragraphs (c), (d), and (e) hereof shall be observed in determining whether such applicants are entitled to admission as dependent members of the husband's or father's household.

(h) In the cases described in this rule the exempt status or citizenship of an alleged husband or father who is domiciled within the United States may be investigated and determined prior to the arrival of the wife or child, but no investigation regarding the claimed relationship shall be made until the wife or child arrives at a port of entry.

RULE 10. The officers whose titles are given below have been authorized by their respective Governments to issue to Chinese subjects or citizens of such Governments the certificates prescribed by section 6 of the act approved July 5, 1884:³

Brazil: Chiefs of police, or corresponding officers in the municipalities and civil subdivisions.

Burma, India: Chief Secretary to the Government of Burma.

Canada:

Ottawa—Chief Controller of Chinese Immigration, or Assistant Controller of Chinese Immigration.

Vancouver—Controller of Chinese Immigration.

Victoria—Controller of Chinese Immigration.

Winnipeg—Controller of Chinese Immigration.

China:

In Chinese Republic—

Tientsin—Special commissioner of foreign affairs whose duties are performed by the Tientsin superintendent of customs.

Mukden—Special commissioner of foreign affairs.

Chefoo—Commissioner of foreign affairs, whose duties are performed by the intendant of circuit for Chiaotung.

Shanghai—Special commissioner of foreign affairs.

Hankow—Special commissioner of foreign affairs.

¹ 169 U. S., 649.

² 225 U. S., 460; 149 U. S., 698.

³ See footnotes to sec. 6, act of July 5, 1884; also Rule 3.

China—Continued.

In Chinese Republic—Continued.

Foochow—Special commissioner of foreign affairs.

Amoy—Commissioner of foreign affairs, whose duties are performed by the Amoy superintendent of customs.

Chungking—Commissioner of foreign affairs, whose duties are performed by the Chungking superintendent of customs.

Canton—Civil governor.

Swatow—Commissioner of foreign affairs.

In countries foreign to China—

Australia—Chinese consul general, Melbourne.

Austria-Hungary—Chinese minister or chargé d'affaires, Vienna.

Belgium—Chinese minister or chargé d'affaires, Brussels.

Canada—Chinese consul general, Ottawa, and Chinese consul, Vancouver.

Cuba—Chinese minister or chargé d'affaires, Habana.

England—Chinese minister or chargé d'affaires, London.

France—Chinese minister or chargé d'affaires, Paris.

Germany—Chinese minister or chargé d'affaires, Berlin.

Hawaii—Chinese consul, Honolulu.

India—Chinese consul, Rangoon, Burma.

Italy—Chinese minister or chargé d'affaires, Rome.

Japan—Chinese minister or chargé d'affaires, Tokyo; Chinese consul general, Yokohama.

Korea—Chinese consul general, Seoul.

Mexico—Chinese minister or chargé d'affaires, Mexico City.

Netherlands—Chinese minister or chargé d'affaires, The Hague.

Panama—Chinese consul general, Panama.

Peru—Chinese minister or chargé d'affaires, Lima.

Philippine Islands—Chinese consul general, Manila.

Portugal—Chinese minister or chargé d'affaires, Lisbon.

Russia—Chinese minister or chargé d'affaires, St. Petersburg.

Siberia—Chinese commercial agent, Vladivostok.

Spain—Chinese minister or chargé d'affaires, Madrid.

Straits Settlements—Chinese consul general, Singapore.

Transvaal—Chinese consul general, Johannesburg.

Cuba: Chief of immigration department.

Dutch Guiana. (See Surinam.)

Dutch East Indies: Directeur van Justitie, Batavia.

German protectorate of Kiautschou: Commissioner for Chinese affairs to the Government, civil commissioner, or Oberrichter.

Guatemala: Minister of foreign affairs or subsecretary of state

Hongkong: Registrar general.

India: Chief secretary to the government of Burma.

Jamaica: Deputy inspector general of police.

Japan:

Governor of any fu (district) or ken (prefecture).

Hokkaido—Governor general.

Formosa—Chief of prefecture having jurisdiction.

Macau, Portuguese province of: Secretary general.

Mexico: Department for foreign affairs.

Philippine Islands: Collector of customs.

Society Islands: Commissioner of police of the municipality of Paapeete, Tahiti.

Straits Settlements: Colonial secretary.

Federated Malay States—Colonial secretary, federal secretary, or secretary for Chinese affairs.

Surinam (Dutch Guiana): Government's secretary, or secretary ad interim at Paramaribo.

Trinidad: Governor.

Venezuela: Mayors of cities or governors of provinces.

RULE 11. (a) Chinese persons of the exempt classes who are citizens of other insular territory of the United States than the Territory of Hawaii shall, if they desire to go from such insular territory to the mainland or from one insular territory to another, comply with the terms of section 6 of the act approved July 5, 1884. The certificate prescribed by said section shall be granted by officers designated for that purpose by the chief executives of said insular territories, and the duties thereby imposed upon United States diplomatic and consular officers in foreign countries in relation to Chinese persons of the said classes shall be discharged by the officers in charge of the enforcement of the Chinese-exclusion acts at the ports, respectively, from which any members of such excepted classes intend to depart from any insular territory of the United States:¹ *Provided, however,* That the privilege of transit shall be extended to all persons other than laborers, as provided in Rule 18.

(b) As *all persons* who were citizens of the Republic of Hawaii on August 12, 1898, are citizens of the United States,² persons of the Chinese race claiming such status may be admitted at either mainland or insular ports of entry upon producing evidence sufficient to establish such claim. Citizens of the Chinese Republic of the exempt classes residing in Hawaii must obtain certificates from the representative of their own Government (the Chinese consul, Honolulu), and such certificates must be viséed by the inspector in charge of the immigration service in said islands instead of by a diplomatic or consular officer.

(c) The governor of the Philippine Islands having, by executive order No. 38, of September 23, 1904, designated the collector of customs, Manila, to *issue* to Chinese citizens of those islands the certificate provided by section 6 of the act of July 5, 1884, and it being impracticable to require that such certificate shall be viséed, officers at ports of entry for Chinese will regard certificates issued to such Philippine citizens in the same manner as certificates issued by officials of foreign countries and viséed by American diplomatic or consular officers. Certificates issued by the Chinese consul general, Manila, to *citizens of the Chinese Republic* residing in the Philippines will be viséed by the collector of customs at Manila, and when so viséed will be accorded the usual consideration.

RULE 12. (a) The laborer's return certificate, provided by section 7 of the act of September 13, 1888, shall be issued only to such Chinese persons as have been duly registered under the provisions of the act of May 5, 1892, or the act of November 3, 1893, and present a

¹Sec. 1, act of 1902-1904.

²Sec. 4, act of Apr. 30, 1900; 23 Op. Atty. Gen., 345 and 509.

certificate issued thereunder, or such as have established before a court of competent jurisdiction the lawfulness of their residence in the United States and present a certified copy of the court's decision, or such as otherwise establish before the immigration official to whom application for the return certificate is made that they are lawfully within the United States.¹

(b) Chinese laborers applying for such certificate shall be required to furnish the testimony of not less than two credible witnesses, who have had opportunity to know the circumstances to which they testify, that one of the grounds specified by the section of law above mentioned actually exists.

RULE 13. (a) Any Chinese laborer claiming the right to leave and return to the United States in accordance with sections 5 to 7 of the act of September 13, 1888,² shall make written application to the immigration officer located nearest to his place of residence for pre-investigation of his claim, such application to be prepared in triplicate on Form No. 432, furnished by said immigration officer, and to be filed at least 30 days prior to the date of proposed departure.

(b) Such applicant shall deposit with said officer a certificate of registration,³ or a certified copy of a decision of a court of competent jurisdiction showing that he is lawfully resident in the United States,⁴ or shall submit to such officer parol evidence showing that he was lawfully admitted to and has maintained a lawful status while resident within the United States, and such applicant shall make on oath before the officer in writing a full statement descriptive of his family or property or debts,⁵ as the case may be, and giving his name, height, local residence, occupation, and distinguishing marks if any, and naming the port at which he expects to depart from the United States, which shall be one of those designated in Rule 1.

(c) To each of the three copies of said application there shall be attached a photograph of the applicant printed from the same negative.

(d) The officer to whom such application is submitted shall make a thorough examination as to the accuracy of the descriptive statement, whether the accompanying photograph is that of the person described in the certificate or certified copy of court record and statement, and whether applicant's height and descriptive physical marks are accurately given, and (unless similar action has been taken at so recent a date as to give assurance of the genuineness of the papers) shall transmit the certificate of residence to the Commissioner General of Immigration for comparison with the record thereof in his office, in respect not only to name and date therein, but in all other particulars, or the certified copy of court record to the clerk of the court by whom issued for verification. Said officer shall also examine⁶ the applicant, such witnesses as he may produce, and such other witnesses as may be necessary, causing their testimony to be transcribed in duplicate. When an applicant holding a certificate of residence and his witnesses live at a distance from an immigration

¹ 193 U. S., 517; 71 Fed., 680; 115 Fed., 412; 128 Fed., 319 and 522; 139 Fed., 56; 148 Fed., 926.

² If a laborer leaves without the return certificate, he can not lawfully reenter; and if he reenters, he is subject to deportation (120 Fed., 899; 21 Op. Atty. Gen., 424; 23 Op. Atty. Gen., 619).

³ Registration certificate under either the act of 1892 or the act of 1893 is sufficient (110 Fed., 154).

⁴ In this connection see bureau circular letter of Jan. 8, 1914, No. 53560-225.

⁵ An open book account is a "debt pending settlement" (24 Op. Atty. Gen., 637). The Department has held in several cases that money deposited in bank to there remain until laborer's return is "property."

⁶ For instructions regarding spelling of Chinese names, see Bureau Circular No. 12, dated Feb. 16, 1905.

station, Form No. 432 may be executed before any officer authorized to administer oaths and the testimony of the witnesses furnished in affidavit form, said executed form and affidavits to be forwarded to the officer in charge of the district, accompanied by applicant's certificate of residence. The remaining provisions of the rule shall then be observed so far as applicable.

(e) Upon completing the investigation said officer shall, after writing his signature across the margin of the photograph attached to each copy of the application, forward the original and triplicate of the application, the certificate or certified copy of court record, two transcripts of the testimony, and his report of his investigation of the case, to the immigration official in charge at the port of proposed departure. If applicant proposes to cross the boundary at a Canadian border port and embark at Vancouver, the papers shall be forwarded to the inspector in charge, Vancouver. If he proposes to make a visit to Canada merely, the papers shall be forwarded to the inspector in charge, Vancouver, if the border port of departure is Sumas; to the inspector in charge, Winnipeg, if the border port is Portal or Noyes; to the commissioner of immigration, Montreal, if the border port is Detroit, Buffalo, Malone, Richford, Lowelltown, or Vanceboro.

(f) The official in charge at the port of departure shall, upon the receipt of the papers named in the preceding paragraph, return to the officer from whom received the triplicate copy of the application, placing thereon a statement as to whether or not he is satisfied, on the evidence presented, to indorse the application favorably.

(g) In the event an unfavorable response is received from the officer in charge at the port, the investigating officer shall notify the applicant thereof, advising him that such decision is not final, but that he may appeal to the Commissioner General of Immigration from the adverse decision.¹ If a favorable response is received, the investigating officer shall deliver to the applicant the duplicate copy of the application, with instructions to exchange it at the office of the immigration officer in charge at the port of departure for the original thereof. The triplicate returned from the port of proposed departure and the duplicate copy of the report and of the transcript of testimony shall be placed on file in the office of the inspector in charge of the district (or subdistrict, as the local practice may require) in which the applicant has resided.

(h) Upon the arrival of the applicant at the port of departure and the presentation by him of the duplicate of the application, such duplicate shall be placed on file, and the original, with the indorsement of approval appearing thereon filled out and signed, and with the signature and seal of the officer in charge placed over the margin of the photograph, shall be delivered to the applicant for use upon his return. At the time of departure applicant's address in the country to which he is going shall be secured for use in case it should become necessary to correspond with him; and the applicant must be clearly advised that upon his return to the port of departure there must still exist the statutory ground for his readmission.

¹ Counsel may examine the appeal records in these cases and he loaned a copy thereof in the same manner as that provided with respect to appeals from excluding decisions. See par. (b), Rule 5. Cases of this kind may be reopened for the same reasons, in the same manner, and with the same effect as cases of applicants for admission. See par. (e), Rule 5.

(i) On the return of the applicant the original application shall be compared with the duplicate on file, and with the person presenting it, and if the officer in charge is satisfied of the identity of such person, and nothing has occurred during his absence to discredit the evidence taken on the preinvestigation, he shall be promptly admitted without further examination or investigation, except to ascertain from applicant whether the statutory ground for admission still exists. The original application shall then be placed in the files, and the applicant's registration certificate or certified copy of court record shall be returned to him, unless he voluntarily surrenders such paper as a condition precedent to the procurement of a certificate of identity,¹ and in the latter event a notation describing by number or otherwise the surrendered paper shall be placed on the certificate of identity.

RULE 14. Whenever a Chinese laborer holding a return certificate is detained by his sickness or by other disability beyond his control for a time in excess of one year after the date of his departure from the United States, the facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and such consular representative shall certify, to the satisfaction of the officer in charge at the port of return, which must be the port from which such laborer departed, that he has fully investigated the statements of such laborer and believes that he was unavoidably detained for the time specified and for the reason stated, such certificate to be delivered by such consular representative to the master of the vessel on which the Chinese laborer departs for the United States and by the master delivered to the officer in charge at the port of return.²

RULE 15. (a) Any Chinese merchant,³ teacher, or student resident in the United States who desires to go abroad temporarily⁴ may, in order to avoid delay in securing admission upon return to one of the ports named in Rule 1 hereof, make written application to the immigration officer located nearest to his place of residence for preinvestigation of his claim of being a merchant, or teacher, or student within the meaning of the law, such application to be prepared in triplicate on Form No. 431, furnished by said immigration officer, and to be filed at least thirty days prior to the date of proposed departure.

(b) To each of the three copies of said application there shall be attached a photograph of the applicant printed from the same negative; and there shall be furnished therein the names and addresses of two (or more) credible witnesses other than Chinese who are able and willing to testify of their own knowledge that for at least one year immediately preceding the date of proposed departure the applicant has been engaged exclusively in the pursuit named by him; and in States the laws of which require the filing with State officials of lists of the names of persons associated in mercantile business, a certified copy of such list regarding the firm of which applicant claims to be a member shall be exacted.

(c) The officer to whom said application is made shall examine the applicant, such witnesses as he may produce, and such other witnesses

¹ See Rule 19, par. (i).

² Sec. 7, act of 1888.

³ For definition of "merchant," see act of 1893 and footnotes.

⁴ The Department has held that the wives and *minor* children of these classes are entitled also to the benefit of the rule.

as may be necessary,¹ causing their testimony to be transcribed in duplicate, and shall take such other steps as may be necessary and proper to determine whether the applicant was lawfully admitted to and has maintained a lawful status while resident in the United States, and whether his claim is true.

(d) Upon completing the investigation said officer shall, after writing his signature across the margin of the photograph attached to each copy of the application, forward the original and triplicate of the application, two transcripts of the testimony, and his report of his investigation of the case, to the immigration official in charge at the port of proposed departure. If applicant proposes to cross the boundary at a Canadian border port and embark at Vancouver, the papers shall be forwarded to the inspector in charge, Vancouver. If he proposes to make a visit to Canada merely, the papers shall be forwarded to the inspector in charge, Vancouver, if the border port of departure is Sumas; to the inspector in charge, Winnipeg, if the border port is Portal or Noyes; to the commissioner of immigration, Montreal, if the border port is Detroit, Buffalo, Malone, Richford, Lowelltown, or Vanceboro.

(e) The official in charge at the port of departure shall, upon the receipt of the papers named in the preceding paragraph, return to the officer from whom received the triplicate copy of the application, placing thereon a statement as to whether or not he is satisfied, on the evidence presented, to indorse the application favorably.

(f) In the event an unfavorable response is received from the officer in charge at the port, the investigating officer shall notify the applicant thereof, advising him that such decision is not final, but that he may appeal therefrom to the Commissioner General of Immigration,² or may, if he so desires, depart from the country, relying upon his ability to produce further and more satisfactory evidence on his return. If a favorable response is received the investigating officer shall deliver to the applicant the duplicate copy of the application, with instructions to exchange it at the office of the immigration officer in charge at the port of departure for the original thereof. The triplicate returned from the port of proposed departure and the duplicate copy of the report, of the transcript of testimony, and of documentary proofs shall be placed on file in the office of the inspector in charge of the district (or subdistrict, as the local practice may require) in which the applicant has resided.

(g) Upon the arrival of the applicant at the port of departure and the presentation by him of the duplicate of the application, such duplicate shall be placed on file, and the original, with the indorsement of approval appearing thereon filled out and signed, and with the signature and seal of the officer in charge placed over the margin of the photograph, shall be delivered to the applicant for use upon his return. At time of departure applicant's address in the country to which he is going shall be secured for use in case it should become necessary to correspond with him, and he must be clearly advised that upon his return there must still exist the statutory ground for his readmission.

¹ For instructions regarding spelling of Chinese names, see Bureau Circular No. 12, dated Feb. 16, 1905.

² Counsel may examine the appeal records in these cases and be loaned a copy thereof in the same manner as that provided with respect to appeals from excluding decisions. See par. (b), Rule 5. Cases of this kind may be reopened for the same reasons, in the same manner, and with the same effect as cases of applicants for admission. See par. (e), Rule 5.

(h) On the return of the applicant the original application shall be compared with the duplicate on file, and with the person presenting it, and if the officer in charge is satisfied of the identity of such person, and nothing has occurred during his absence to discredit the evidence taken on the preinvestigation, he shall be promptly admitted without further examination or investigation, except to ascertain from applicant whether the statutory ground for admission still exists. The original application shall then be placed in the files.

(i) This rule is adopted as a *privilege*, not a *requirement*, and precludes no one from deferring the submission of his proofs and the determination of his claimed status (primarily by an officer in charge at a port and finally, on appeal, by the Secretary) until application is made for reentry, nor from leaving the country notwithstanding an adverse decision on an application submitted under this rule and again advancing his claim on returning to a port of the United States, with the privilege of appeal if then rejected.

(j) Chinese applying for preinvestigation under the terms of this rule, or for admission without having taken advantage of the rule, on the ground of having been domiciled in the United States as merchants, shall be required to establish to a reasonable certainty that they are actually owners of the business claimed or members of the firm owning such business, with proofs of the amounts actually paid for their respective interests and the times at which such payments were made. In no case should the claim of mercantile status be allowed unless inspection of the alleged mercantile establishment shows a bona fide capital and stock, the latter commensurate with the former and with the number of partners claimed.¹

RULE 16. Any Chinese person residing in the United States and claiming that, by reason of birth in this country, he is lawfully entitled to reside in and to depart from and return to the United States, may, in order to avoid delay in securing admission upon return to one of the ports of entry named in Rule 1 hereof, file with the immigration official in charge at the port through which he departs such evidence as he can present in substantiation of his claim of American birth, and at the same time apply to have his claims investigated while he is absent, furnishing the address at which he can be reached in the foreign country to which he is going. The claim thus presented shall be made the subject of careful investigation by the immigration officials at the port of departure and the applicant shall be notified at once of the conclusion reached as the result of such investigation. If that conclusion is favorable the applicant, on returning to the port mentioned, shall be promptly admitted upon identification. If the conclusion is adverse to applicant's claim and he returns and applies for admission notwithstanding the mailing to him of notification to that effect, he shall be permitted to appeal in the usual manner from the decision of the local officers.

RULE 17. Chinese laborers shall not be granted the privilege of transit through the United States to foreign territory if afflicted with tuberculosis or a loathsome or dangerous contagious disease, nor, in any event, unless they comply with the following requirements; and if, in the judgment of the officer in charge at the port of arrival, such a person is seeking the privilege of transit with an ulterior purpose of

¹ 61 Fed., 641. For further references see footnote 2, p. 197.

gaining unlawful access to the United States, or conditions at his claimed destination are such as to make it probable that he will smuggle into the United States, he shall be refused permission to land:¹

(a) The applicant shall produce to the officer in charge at the port of arrival a prepaid ticket across the whole territory of the United States, land or water, intended to be traversed (and to his alleged foreign destination according to the manifest of the vessel on which he arrives), and such other reasonable proof as may be required to satisfy the said officer that a bona fide transit only is intended and that the applicant has not the ulterior purpose of gaining access to the United States in violation of law; and such ticket and evidence must be so stamped or marked and dated by the said officer as to prevent their use a second time. No such applicant shall be considered as intending in good faith to make such transit only if he has already, on the same arrival, made application for and been denied admission to the United States.

(b) The applicant, or some responsible person in his behalf, or the transportation company whose through ticket he holds, shall furnish to the said officer in charge a good and sufficient bond in the penal sum of \$500, conditioned for applicant's continuous transit through and actual departure from the United States within a reasonable time, not exceeding twenty days from the date said privilege is granted; but the said bond shall not be required of any such applicant who remains on shipboard or who is transferred from one vessel to another vessel in a United States port, for transit through the water territory of the United States, unless the vessel on which applicant departs is to touch at another port of the United States on the way to its foreign destination.

(c) The applicant shall furnish to said officer in charge, to be taken as directed by said officer, a photograph of himself in triplicate, together with such information as may be required.

(d) The officer in charge at the port of arrival shall prepare a descriptive list, to which one of the photographs required by paragraph (c) shall be attached, for file in his office, containing as to each Chinese laborer applying for the privilege of transit the following information: Name, age, sex, last place of residence, and the data referred to therein required for his identification. To the said descriptive list there shall be attached a dated and signed statement by the said officer in charge that applicant has complied with all the provisions hereof, and that, being assured of applicant's good faith, the privilege of transit under bond has been accorded him.

(e) Two copies of the descriptive list required by paragraph (d) shall be prepared by the officer in charge on detached blanks corresponding in form with the said descriptive list, to each of which shall be attached one of the photographs required by paragraph (c), and upon both of said photographs, as well as on the one attached to said list, shall be stamped the seal of the said officer in charge, so placed as not to cover any part of the face. One of said copies shall be forwarded by the first mail after it is prepared to the officer in charge at the intended port of exit and the remaining one shall be given to the conductor of the train, or to the captain of the vessel,

¹ 185 U. S., 296, 301-305; 111 Fed., 998.

by which the Chinese laborer to whom they relate is carried, for delivery to the said officer at the port of exit.

(f) One of the copies described in paragraph (e) shall be retained by the officer in charge at the port of exit, for his files, and the other, after an indorsement has been made thereon, duly signed and dated, to the effect that the Chinese laborer named therein has been identified and has departed from the United States, shall be mailed to the officer by whom it was prepared, and its receipt by him, duly executed as herein required, shall be his authority for cancellation of the bond given on behalf of the Chinese laborer.

RULE 18. No Chinese person who shall satisfy the officer in charge that he is other than a laborer (although not supplied with the certificate provided for by section 6 of the act of July 5, 1884), shall be required to comply with so much of the provisions of Rule 17 as requires Chinese persons seeking the privilege of transit to submit photographs of themselves and to be measured. If, however, any such Chinese person, after having been admitted to pass in transit through the United States, be found therein at the expiration of twenty days from the date of such admission, he shall be deemed to be in the United States in violation of law and shall be deported.

RULE 19.¹ (a) With a view to affording a proper and efficient means of identification to Chinese persons, or persons of Chinese descent, admitted or readmitted to the United States upon proof of their status as members of the classes specifically exempted from the excluding provisions of the Chinese-exclusion laws, or upon proof that they are lawfully resident laborers or citizens of the United States by birth therein, a certificate of identity shall hereafter be issued by the officer in charge at the port of entry to each such person admitted or readmitted to this country by him who may apply for the same; the instructions hereinafter given to be carefully observed in issuing such certificates: *Provided*; That only one such certificate shall be issued to any one Chinese person, except that duplicates may be furnished of those unavoidably lost or destroyed, under the terms of paragraph (g) of this rule, the method to be followed with a view to preventing a violation of this proviso being described in paragraph (h) hereof.

(b) The certificates are printed from engraved plates, numbered consecutively, and bound in books containing 50 each, an original and a duplicate of each number being furnished, arranged the latter above the former for convenience in copying from one to the other, and perforated to permit of easy detachment from the book and from each other.

(c) In issuing said certificates care shall be exercised to have the original and the duplicate correspond in every detail. All blank spaces remaining after writing in the data required to complete the identification of the person to whom the certificate is issued shall be covered by ruled lines, so as to prevent the insertion of any additional word or words without detection, and the seal of the issuing officer should be impressed across the margin of the photograph near the center of the certificate.

(d) These certificates being issued as an accommodation to Chinese persons, such persons as may apply for same shall be required to furnish

¹ For particulars regarding the registration of Chinese born in the Hawaiian Islands and the granting of certificates of identity to such persons, see Bureau Circular No. 23, dated Jan. 14, 1908.

two suitable unmounted photographs of themselves, printed from a negative that has not been retouched, representing the subject without hat, full front view, showing both ears, measuring 1½ inches from top of head to point of chin. The photograph shall be attached to the certificate with great care to insure permanency and prevent warping. The height shall be carefully taken and inserted in feet and inches, and in recording physical marks and peculiarities those which are the most prominent and the least likely to be obliterated by lapse of time shall be selected. In recording the status as of which admitted, the address to which destined shall be given, if possible.

(e) These certificates, as shown on their face, are issued to Chinese of the exempt classes for their protection and identification *only so long as such persons shall retain their exempt status*, and are not transferable. Therefore, when such a certificate is found by an inspector in the possession of a person to whom issued as an exempt, engaged in the performance of manual labor, or of a person to whom it does not relate as shown by a comparison of such person with the photograph and personal description appearing thereon, or if at any time it should develop that such certificate has been obtained by fraud, the certificate shall be taken up and forwarded to the Bureau of Immigration, with report of the circumstances, for decision whether it shall be canceled.

(f) The duplicates of the certificates shall be forwarded to the Bureau of Immigration promptly upon the issuance of the originals, in order that such duplicates may be safely filed for future reference.

(g) If such a certificate of identification shall be unavoidably lost or destroyed at any time, a certificate in lieu thereof will be issued by the Bureau of Immigration upon the applicant's furnishing satisfactory proof of the unavoidable loss or destruction of such certificate, of his identity as the person to whom it was originally issued, and of his exempt status.

(h) The certificate of identity when issued to Chinese of the exempt classes is granted solely for the protection of such Chinese while *residing in* the United States and retaining an exempt status, and will not, therefore, be accepted as satisfactory evidence in any other connection. For example, a domiciled exempt holding such certificate of identity will not be excused from a compliance with the terms of par. (j) of Rule 15. The certificate may, however, be accepted as evidence of a former admission as of an exempt status, and be given such *cumulative* value as the circumstances of a case justify. When issued to a person of Chinese descent, as a United States citizen by birth, the certificate will be accepted at all times thereafter as evidence of the holder's right to reside in the United States; extreme caution to be observed, however, in determining whether the certificate is genuine and in the hands of the person to whom issued: ¹ *Provided, always*, That fraud has not been perpetrated upon the Government in securing its issuance.

(i) Upon the issuance of the certificate of identity herein prescribed, all other certificates or papers offered by Chinese exempts or natives to establish their right of admission to the United States shall be retained by the officer at the port of entry, a notation in red

¹ See Rule 13, par. (f).

ink showing the number of the certificate issued in lieu of them and that they are canceled and filed, to be written across the face of such papers.¹

RULE 20. (a) An original certificate of residence can be issued to a Chinese laborer only upon the finding of a justice, judge, or commissioner of a United States court that such Chinese laborer was a resident of the United States during the period of registration and that, by reason of accident, sickness, or other unavoidable cause he was then unable to secure such a certificate.²

(b) The authority, power, and jurisdiction in relation to the registration of Chinese lawfully resident in the United States, formerly vested by law in collectors of internal revenue, have been transferred to the Commissioner General of Immigration, Washington, D. C., to whom, therefore, applications for original certificates should be addressed, accompanied by a certified transcript of a judicial finding of the character described in paragraph (a) hereof.

RULE 21. Duplicate certificates of residence shall be issued only upon satisfactory proof to the Commissioner General of Immigration that the Chinese person upon whose behalf application therefor is made has actually, by unavoidable accident, lost his original certificate. Applications for such certificates should be addressed to the Commissioner General of Immigration, Washington, D. C., should be sworn to, and should contain the following data:

(1) Applicant's name; also any other names known by at time of registration.

(2) Number of original certificate of residence, if obtainable.

(3) Whether original certificate was issued under act approved May 5, 1892, or act approved November 3, 1893, amendatory thereof.

(4) Place and at least approximate date of issue of original certificate.

(5) Applicant's place of residence, town, street, and number, and occupation at time of issuance of original certificate.

(6) Applicant's present place of residence and occupation.

(7) Applicant's present age and exact height, color of his eyes and complexion, and any physical marks or peculiarities that would aid in his identification.

(8) A statement of the circumstances under which original certificate was lost, including date, place, and every detail of such loss.

(9) Affidavits of witnesses familiar, of their own personal knowledge, with the circumstances of the loss.

(10) Three unmounted photographs of applicant from a negative that has not been retouched, full front view, showing both ears, about 3 by 3 inches square, head $1\frac{1}{4}$ inches long from top of head to point of chin—one to be attached to the duplicate, if issued, the others to be retained in the files of the bureau.

(11) Time of applicant's first arrival in the United States and port of landing.

(12) Name of witness to *original* application for registration.

RULE 22. (a) Officers shall not issue any certificate, letter, or other document, or any duplicate thereof, other than those provided for by

¹ The certificate is not, however, conclusive evidence of citizenship nor to be regarded as *res judicata* in the case of the holder or his alleged wife or child. See bureau circular letters of Nov. 5 and 14, 1913, and Jan. 8, 1914, No. 53560-225.

² See sec. 6, act of May 5, 1892, as amended by sec. 1, act of Nov. 3, 1893, and footnotes.

law and these regulations, setting forth the status of a Chinese person as a resident of this country, or otherwise indorsing such person.

(b) Certificates of residence issued to Chinese laborers, if found elsewhere than in possession of persons to whom issued, shall be taken up and forwarded to the Bureau of Immigration.

RULE 23. (a) Chinese inspectors and immigrant inspectors shall examine all Chinese persons resident or found within the United States not personally known to them to be legally entitled to be and remain in the country, and shall inspect the certificates of residence or other papers found in the possession of such Chinese and conduct such examination as may be necessary to determine the identity of the Chinese as the proper holder of such paper or to determine the status of such Chinese when no paper is presented.¹ If it is found that any Chinese person entered unlawfully or is unlawfully in the United States, proceedings shall be instituted by such inspectors under either or both the Chinese-exclusion and the immigration laws, looking to the deportation of such Chinese in accordance with the provisions of said laws.² Chinese who, after securing admission to the United States by claiming to be members of the exempt classes or the wives or children of members thereof, are found to be illegally in the country shall be arrested and deported.³

(b) Chinese inspectors and immigrant inspectors stationed on the land boundaries of the United States shall, in accordance with instructions to that end which shall be given by the officers under whose immediate supervision they serve, adopt proper measures to prevent the departure from cities, towns, or other places on or in the immediate vicinity of the land boundaries of Chinese who have not been examined and whose papers have not been inspected in accordance with paragraph (a) hereof: *Provided*, That due precautions shall be adopted to avoid molesting bona fide residents of such places on the land boundaries, the purpose hereof being to prevent the departure for the interior of Chinese who have effected unlawful entry across such boundaries.

(c) Whenever information regarding violations of the Chinese-exclusion laws is obtained by any inspector, it shall be promptly furnished direct to the officer in charge of the district involved; and, to the end that immigration officers generally may readily determine whether a Chinese witness under examination has previously testified, the following practice shall be observed: Such witnesses shall be questioned concerning material details⁴ with respect to members of their families, and as to whether they are acquainted with any Chinese born in the United States, and a record made of their testi-

¹ For decisions as to who are laborers, see footnote 2 to act of 1893 (p. 197, ante).

² Chinese, as well as other aliens, who enter the United States surreptitiously enter "in violation of law" as contemplated by sections 8, 18, 20 (first clause), 35, and 36 of the immigration act of Feb. 20, 1907 (170 Fed., 566; 174 Fed., 674; 223 U. S., 67; 202 Fed., 65 and 914; 203 Fed., 25), and are to be deported to the transoceanic port of foreign embarkation (sec. 35, act of 1907; 176 Fed., 933 and 998; 183 Fed., 260; 195 Fed., 693; 223 U. S., 67). Chinese who are found in the United States in violation of the exclusion laws are "subject to deportation under the provisions of any (a) law of the United States," as contemplated by section 21 of the said immigration act, and are to be arrested in accordance with the provisions of said section (see footnote 2 to sec. 21, p. 103, ante). In arresting Chinese under either or both of said sections of the immigration act the provisions of Rule 22 of the immigration rules should be followed so far as applicable.

For citations of court decisions rendered in connection with the arrest of Chinese, see footnotes to acts of 1888, 1892, and 1893, pp. 193, 194, 197, 198, ante.

³ 83 Fed., 832; 86 Fed., 605; 133 Fed., 154; 133 Fed., 391; and *In re Chun Woi San*, and *In re Chen Hsi*, District Court, Northern District of California, not yet reported.

⁴ This notation should be written across some of the printing or writing on the certificate, so it can not be easily erased.

mony; a notation ¹ then to be written upon the certificate of residence, certificate of identity, or other paper presented by witness as documentary evidence of his status, such notation to show name of station of the inspector and the office number of the case under investigation. Thus officers subsequently examining the same witness will become aware of the availability for comparison of the previously given testimony.

RULE 24. To insure the identification of Chinese arrested within the United States, the following instructions shall be observed with respect to the photographing of such Chinese, the expense thereof to be borne by the appropriation "Expenses of regulating immigration" (Chinese).

(a) Every Chinese person arrested under the exclusion laws by an immigration or other official will be photographed immediately upon the consummation of the arrest, the photograph to be prepared in triplicate and not retouched nor mounted, one copy to be attached to the United States court or commissioner's docket, one to be furnished the officer in charge of the district in which the arrest occurs, and the other to be attached (in the event that deportation is finally ordered) to the writ of deportation.

(b) When arrests occur at stations the officers of which are supplied with photographers' apparatus, the photographs will be made by such officers; when in other localities, the immigration officers will have the photographs made by local photographers at the least possible expense compatible with a proper performance of the work, bills therefor to be rendered on the blank vouchers supplied for rendering accounts.

(c) The copy of the photograph attached to the docket of the court or commissioner should be permanently affixed thereto and in such manner as to render as remote as possible the chance of any change or substitution being made.

(d) The copy furnished the officer in charge of the district will be placed in his office records, together with a short history of the case to which it relates, being filed in such manner as to furnish a comprehensive record that can be readily referred to when needed at any future time.

(e) The copy attached to the writ in case of deportation should be affixed permanently thereto, and in such manner as to prevent the substitution of some other photograph therefor;² the objects of its use being to afford a means of identifying the alien as the person referred to in the writ, and to supply the immigration official at the port of deportation with a means of identifying the person delivered on board the vessel as such person.

RULE 25. The appropriation "Expenses of regulating immigration" should be charged with the expense of deporting Chinese aliens arrested under the immigration law (unless the transportation company is responsible for a part of such expense), and with the following expenses connected with the deportation of Chinese under the Chinese-exclusion laws.

¹ Such as name, age, place of birth, residence, etc.

² The best method of obtaining this result is to impress the court or commissioner's seal over the edge of the photograph in such a way as not to mar or deface the features represented thereby.

(a) The cost of maintenance of Chinese persons who are taken into custody up to and including the date upon which warrant issued by a United States judge or commissioner is received by the marshal.¹

(b) The cost of maintenance of such Chinese, commencing with the date writ of deportation is first received by the marshal, and in case of appeal, cost of maintenance up to the date of such appeal, and from the date of receipt by the marshal of the court's orders dismissing the appeal.

(c) The cost of deportation, including railroad and steamship fares of prisoners and marshal or deputy, authorized expenses for guard hire, and maintenance en route.

Upon receiving writs of deportation marshals should at once make written report to the Commissioner General of Immigration, Department of Labor, Washington, D. C., giving names of the Chinese, where confined in jail, and when the period of appeal provided by section 13 of the act approved September 13, 1888, will expire. Instructions will then be issued as to the route to be followed, number of guards to be employed, and to whom accounts are to be presented or forwarded for settlement.

(d) Pursuant to the provisions of the act approved June 23, 1913,² any officer of the United States Immigration Service, Department of Labor, who may be detailed for that purpose by the Commissioner General of Immigration, is designated to accept custody of Chinese persons who may be ordered deported under judicial writs. Immigration officers to whom such Chinese are delivered by United States marshals shall give the latter a proper receipt showing such delivery and, for completion of the court records, shall also make return of the original writ in each case showing final disposition of the person named therein.

(e) In cases where United States marshals are requested to make delivery of Chinese for deportation at some point requiring travel to reach there, actual and necessary expenses will be allowed under the travel regulations of the Department of Labor. Government requests for transportation (Department of Labor) will, when practicable, be furnished to marshals by officers of the Immigration Service for the procurement of tickets required to accomplish delivery of Chinese deportees to designated points. Guard hire (when authorized) and personal expenses of such guards will be classed as "traveling expenses" of the marshal or deputy making such deliveries, and must be supported by appropriate receipts as subvouchers.

(f) The accounts of jailers, sheriffs, or other officers for subsistence furnished to Chinese persons and which may properly be payable from the appropriation "Expenses of regulating immigration" shall be rendered on Form 573 of the Department of Labor and transmitted by the marshal, after approval by him, to the commissioner of immigration or inspector in charge of the immigration district whence each such Chinese person was ordered deported, for record and transmission to the department for settlement, accompanied by Form 421, duly certified. A like method of transmission shall be followed in the case of vouchers on Form 571, for traveling expenses.

RULE 26. Under the authority conferred by section 7 of the act approved February 14, 1903, entitled "An act to establish the Depart-

¹ Regarding cost of photographing, see Rule 24.

² For said provision, see p. 204, ante.

ment of Commerce and Labor," and the act approved March 4, 1913, entitled "An act to establish a Department of Labor," the authority, power, and jurisdiction in relation to the exclusion of Chinese persons and persons of Chinese descent vested by law in collectors of customs are conferred upon and vested in officers in charge of districts (or inspectors acting under their direction) as follows,¹ such officers being under the control of the Commissioner General of Immigration, and, pursuant to the said authority, the Chinese and immigrant inspectors in the United States Immigration Service are hereby designated to exercise the powers of arrest conferred upon United States customs officials and collectors of internal revenue and their deputies, by section 6 of the act approved May 5, 1892 (27 Stat., p. 25), as amended by section 1 of the act approved November 3, 1893 (28 Stat. L., 7).

¹ For list of offices, see p. 171.

LIST OF DISTRIBUTION BRANCHES, DIVISION OF INFORMATION, BUREAU OF IMMIGRATION, SHOWING HEADQUARTERS, TERRITORY, AND SUBBRANCHES.

Zone No.	Headquarters.	Territory.	Subbranches.
1	Boston, Mass., Long Wharf.....	Massachusetts, Rhode Island, Maine.	Portland, Me. Providence, R. I. New Bedford, Mass.
2	New York City, U. S. Barge Office.	New York, New Jersey, New Hampshire, Vermont, Connecticut.	Buffalo, N. Y. Matawan, N. J.
3	Philadelphia, Pa., 135 South Second Street.	Pennsylvania, Delaware, West Virginia.	Pittsburgh, Pa.
4	Baltimore, Md., Stewart Building.	Maryland.....	
5	Norfolk, Va., 119 West Main Street.	Virginia, North Carolina.....	
6	Jacksonville, Fla., Federal Building.	Florida, Georgia, Alabama, South Carolina.	Savannah, Ga. Mobile, Ala. Birmingham, Ala. Charleston, S. C. Gulfport, Miss. Memphis, Tenn. Albuquerque, N. Mex. Tucson, Ariz. Deming, N. Mex. Big Spring, Tex. Brownsville, Tex. Laredo, Tex. Eagle Pass, Tex. San Antonio, Tex. Del Rio, Tex. El Paso, Tex. San Angelo, Tex. Amarillo, Tex.
7	New Orleans, La., Immigration Station.	Louisiana, Mississippi, Arkansas, Tennessee.	
8	Galveston, Tex., Immigration Station.	Texas, New Mexico.....	
9	Cleveland, Ohio, Post Office Building.	Ohio, Kentucky.....	
10	Chicago, Ill., 845 South Wabash Avenue.	Illinois, Indiana, Michigan, Wisconsin.	Detroit, Mich. Sault Ste. Marie, Mich. Indianapolis, Ind.
11	Minneapolis, Minn., Federal Building.	Minnesota, North Dakota, South Dakota.	
12	St. Louis, Mo., Chemical Building.	Missouri, Kansas, Oklahoma, Iowa.	Kansas City, Mo.
13	Denver, Colo., Central Savings Bank Building.	Colorado, Wyoming, Nebraska, Utah.	Salt Lake City, Utah.
14	Helena, Mont., Power Building.	Montana, Idaho.....	Moscow, Idaho.
15	Seattle, Wash., 208 Liberty Building.	Washington.....	Spokane, Wash. Walla Walla, Wash. Tacoma, Wash. Aberdeen, Wash. Everett, Wash. Bellingham, Wash. Port Angeles, Wash. Port Townsend, Wash. Custer, Wash. Lynden, Wash. Nooksack, Wash. Friday Harbor, Wash. North Yakima, Wash. Astoria, Oreg.
16	Portland, Oreg., Railway Exchange Building.	Oregon.....	
17	San Francisco, Cal., U. S. Appraiser's Building.	Northern California, Nevada....	Sacramento, Cal. Fresno, Cal. Eureka, Cal. Monterey, Cal. San Diego, Cal. Santa Ana, Cal. Santa Barbara, Cal. San Luis Obispo, Cal. Bakersfield, Cal. San Bernardino, Cal. Calxico, Cal. Indio, Cal. Tucson, Ariz. Douglas, Ariz. Naco, Ariz. Nogales, Ariz. Phoenix, Ariz. Yuma, Ariz.
18	Los Angeles, Cal., Post Office Building.	Southern California, Arizona....	

APPENDIX D.

ACT ESTABLISHING THE CHILDREN'S BUREAU.

[Act of Apr. 9, 1912, as amended by act of Mar. 4, 1913.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the Department of Labor a bureau to be known as the Children's Bureau.

SEC. 2. That the said bureau shall be under the direction of a chief, to be appointed by the President, by and with the advice and consent of the Senate, and who shall receive an annual compensation of five thousand dollars. The said bureau shall investigate and report to said Department upon all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories. But no official, or agent, or representative of said bureau shall, over the objection of the head of the family, enter any house used exclusively as a family residence. The chief of said bureau may from time to time publish the results of these investigations in such manner and to such extent as may be prescribed by the Secretary of Labor.

SEC. 3. That there shall be in said bureau, until otherwise provided for by law, an assistant chief, to be appointed by the Secretary of Labor, who shall receive an annual compensation of two thousand four hundred dollars; one private secretary to the chief of the bureau, who shall receive an annual compensation of one thousand five hundred dollars; one statistical expert, at two thousand dollars; two clerks of class four; two clerks of class three; one clerk of class two; one clerk of class one; one clerk, at one thousand dollars; one copyist, at nine hundred dollars; one special agent, at one thousand four hundred dollars; one special agent, at one thousand two hundred dollars, and one messenger at eight hundred and forty dollars.

SEC. 4. That the Secretary of Labor is hereby directed to furnish sufficient quarters for the work of this bureau at an annual rental not to exceed two thousand dollars.

SEC. 5. That this act shall take effect and be in force from and after its passage.

APPENDIX E.

NATURALIZATION LAWS AND REGULATIONS.

NATURALIZATION LAWS.

Act of June 29, 1906 (34 Stat. L., Part 1, p. 596), as amended in sections 16, 17, and 19 by the act of Congress approved March 4, 1909¹ (35 Stat. L., Part 1, p. 1102); in section 13 by the act of Congress approved June 25, 1910² (36 Stat. L., Part 1, p. 830); and by the act of Congress approved March 4, 1913³ (37 Stat. L., Part 1, p. 736), creating the Department of Labor.

An Act To provide for a uniform rule for the naturalization of aliens throughout the United States, and establishing the Bureau of Naturalization.

[Portion of act creating the Department of Labor.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created an executive department in the Government to be called the Department of Labor, with a Secretary of Labor, who shall be the head thereof, to be appointed by the President, by and with the advice and consent of the Senate; * * * .

* * * * *

SEC. 3. That the following-named offices, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that pertains to the same, known as * * * the Bureau of Immigration and Naturalization, * * * the Division of Naturalization, * * * be, and the same hereby are, transferred from the Department of Commerce and Labor to the Department of Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department. The Bureau of Immigration and Naturalization is hereby divided into two bureaus, to be known hereafter as the Bureau of Immigration and the Bureau of Naturalization, and the titles Chief Division of Naturalization and Assistant Chief shall be Commissioner of Naturalization and Deputy Commissioner of Naturalization. The Commissioner of Naturalization or, in his absence, the Deputy Commissioner of Naturalization, shall be the administrative officer in charge of the Bureau of Naturalization and of the administration of the naturalization laws under the immediate direction of the Secretary of Labor, to whom he shall report directly upon all naturalization matters annually and as otherwise required, * * * .

[Act of June 29, 1906, as amended by the acts above referred to.]

That the Bureau of Naturalization, under the direction and control of the Secretary of Labor, shall have charge of all matters concerning the naturalization of aliens. That it shall be the duty of the

¹ See pp. 250-252.

² See p. 233.

³ See p. 233.

Bureau of Immigration to provide, for use at the various immigration stations throughout the United States, books of record, wherein the commissioners of immigration shall cause a registry to be made in the case of each alien arriving in the United States from and after the passage of this act of the name, age, occupation, personal description (including height, complexion, color of hair and eyes), the place of birth, the last residence, the intended place of residence in the United States, and the date of arrival of said alien, and, if entered through a port, the name of the vessel in which he comes. And it shall be the duty of said commissioners of immigration to cause to be granted to such alien a certificate of such registry, with the particulars thereof.¹

SEC. 2. [This section is omitted, as it authorized the Secretary of Commerce and Labor to provide the necessary offices in the city of Washington and take the necessary steps for the proper discharge of the duties imposed by the act of June 29, 1906.]

SEC. 3. That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States circuit² and district courts now existing, or which may hereafter be established by Congress in any State, United States district courts for the Territories of Arizona,³ New Mexico,³ Oklahoma,³ Hawaii, and Alaska, the supreme court of the District of Columbia, and the United States courts for the Indian Territory;³ also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

That the naturalization jurisdiction of all courts herein specified, State, Territorial, and Federal, shall extend only to aliens resident within the respective judicial districts of such courts.

The courts herein specified shall, upon the requisition of the clerks of such courts, be furnished from time to time by the Bureau of Naturalization with such blank forms as may be required in the naturalization of aliens, and all certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said bureau.

SEC. 4. That an alien may be admitted to become a citizen of the United States in the following manner and not otherwise:

First. He shall declare on oath before the clerk of any court authorized by this act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the

¹ See Rule 5 of the regulations on p. 255, post.

² United States circuit courts abolished Dec. 31, 1911, by act of Congress approved Mar. 3, 1911 (36 Stat. L., Part 1, 1167).

³ United States Territorial courts abolished by acts of Congress conferring statehood.

vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien: *Provided, however*, That no alien who, in conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States shall be required to renew such declaration.

Second. Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition: *Provided*, That if he has filed his declaration before the passage of this act he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or District in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States.

At the time of filing his petition there shall be filed with the clerk of the court a certificate from the Department of Labor, if the petitioner arrives in the United States after the passage of this act, stating the date, place, and manner of his arrival in the United States,¹ and the declaration of intention of such petitioner, which

¹See Rule 5, p. 255, post.

certificate and declaration shall be attached to and made a part of said petition.

Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record.

Fifth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Sixth. When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this act, be naturalized without making any declaration of intention.

SEC. 5. That the clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the clerk shall, if the applicant requests it, issue a subpoena for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned.

SEC. 6. That petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition: *Provided*, That no person shall be naturalized nor shall any certificate of naturalization be

issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon the petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith.

SEC. 7. That no person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized Government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States.

SEC. 8. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language: *Provided*, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: *And provided further*, That the requirements of this section shall not apply to any alien who has prior to the passage of this act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: *Provided further*, That the requirements of section eight shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands.

SEC. 9. That every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court.

SEC. 10. That in case the petitioner has not resided in the State, Territory, or District for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the State, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Naturalization and the United States attorney for the district in which said witnesses may reside.

SEC. 11. That the United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

SEC. 12. That it is hereby made the duty of the clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Naturalization at Washington within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said courts to report to the said bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish to said bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said bureau.

In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions he shall forfeit and pay to the United States the sum of twenty-five dollars in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Naturalization, and shall account for the same to the said bureau whenever required so to do by such bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said bureau, as herein provided, he shall be liable to the United States in the sum of fifty dollars, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned.

SEC. 13.¹ That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars.

The clerk of any court collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of Naturalization, and paid over to such bureau within thirty days from the close of each quarter in each and every fiscal

¹Sec. 13 as amended by act of June 25, 1910.

year, and the moneys so received shall be paid over to the Disbursing Clerk of the Department of Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the Auditor for the State and Other Departments, and the said Disbursing Clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom he may request a subpoena, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner: *Provided*, That the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of three thousand dollars, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said bureau as in case of other fees to which the United States may be entitled under the provisions of this act. The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this act upon the clerks of courts from fees received by such clerks in naturalization proceedings.

And in case the clerk of any court exercising naturalization jurisdiction collects fees in excess of the sum of six thousand dollars in any fiscal year the Secretary of Labor may allow salaries, for naturalization purposes only, to pay for clerical assistance, to be selected and employed by that clerk, additional to the clerical force, for which clerks of courts are required by this section to pay from fees received by such clerks in naturalization proceedings, if in the opinion of said Secretary the naturalization business of such clerk warrants further additional assistance: *Provided*, That in no event shall the whole amount allowed the clerk of a court and his assistants exceed the one-half of the gross receipts of the office of said clerk from naturalization fees during such fiscal year: *Provided further*, That when, at the close of any fiscal year, the business of such clerk of court indicates in the opinion of the Secretary of Labor that the naturalization fees for the succeeding fiscal year will exceed six thousand dollars the Secretary of Labor may authorize the continuance of the allowance of salaries for the additional clerical assistance herein provided for and employed on the last day of the fiscal year until such time as the remittances indicate in the opinion of said Secretary that the fees for the then current fiscal year will not be sufficient to allow the additional clerical assistance authorized by this act.

That payment for the additional clerical assistance herein authorized shall be in the manner and under such regulations as the Secretary of Labor may prescribe.

SEC. 14. That the declarations of intention and the petitions for naturalization shall be bound in chronological order in separate vol-

umes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued, and the volume number and page number of the stub of such certificate.

SEC. 15. That it shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

If any alien who shall have secured a certificate of citizenship under the provisions of this act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered *prima facie* evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of Naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the clerk of the court to transmit a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the Bureau of Naturalization of such cancellation.

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this act, but to all certifi-

cates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceedings under prior laws.

SEC. 16. [Superseded by act of Mar. 4, 1909. See sec. 74, p. 248.]

SEC. 17. [Superseded by act of Mar. 4, 1909. See sec. 75, p. 249.]

SEC. 18. That it is hereby made a felony for any clerk or other person to issue or be a party to the issuance of a certificate of citizenship contrary to the provisions of this act, except upon a final order under the hand of a court having jurisdiction to make such order, and upon conviction thereof such clerk or other person shall be punished by imprisonment for not more than five years and by a fine of not more than five thousand dollars, in the discretion of the court.

SEC. 19. [Superseded by act of Mar. 4, 1909. See sec. 77, p. 249.]

SEC. 20. That any clerk or other officer of a court having power under this act to naturalize aliens, who willfully neglects to render true accounts of moneys received by him for naturalization proceedings or who willfully neglects to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than five years, or by a fine of not more than five thousand dollars, or both.

SEC. 21. That it shall be unlawful for any clerk of any court or his authorized deputy or assistant exercising jurisdiction in naturalization proceedings to demand, charge, collect, or receive any other or additional fees or moneys in naturalization proceedings save the fees and moneys herein specified; and a violation of any of the provisions of this section or any part thereof is hereby declared to be a misdemeanor and shall be punished by imprisonment for not more than two years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

SEC. 22. That the clerk of any court exercising jurisdiction in naturalization proceedings, or any person acting under authority of this act, who shall knowingly certify that a petitioner, affiant, or witness named in an affidavit, petition, or certificate of citizenship, or other paper or writing required to be executed under the provisions of this act, personally appeared before him and was sworn thereto, or acknowledged the execution thereof or signed the same, when in fact such petitioner, affiant, or witness did not personally appear before him, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not to exceed five years.

SEC. 23. That any person who knowingly procures naturalization in violation of the provisions of this act shall be fined not more than five thousand dollars, or shall be imprisoned not more than five years, or both, and upon conviction the court in which such conviction is had shall thereupon adjudge and declare the final order admitting such person to citizenship void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication. Any person who knowingly aids, advises, or encour-

ages any person not entitled thereto to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

SEC. 24. That no person shall be prosecuted, tried, or punished for any crime arising under the provisions of this act unless the indictment is found or the information is filed within five years next after the commission of such crime.

SEC. 25. That for the purpose of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to the date when this act shall go into effect, the existing naturalization laws shall remain in full force and effect.

SEC. 26. That sections twenty-one hundred and sixty-five, twenty-one hundred and sixty-seven, twenty-one hundred and sixty-eight, twenty-one hundred and seventy-three of the Revised Statutes of the United States of America, and section thirty-nine of chapter one thousand and twelve of the Statutes at Large of the United States of America for the year nineteen hundred and three, and all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

SEC. 27. That substantially the following forms shall be used in the proceedings to which they relate:

DECLARATION OF INTENTION.

(Invalid for all purposes seven years after the date hereof.)

-----, SS:

I, -----, aged ----- years, occupation -----, do declare on oath (affirm) that my personal description is: Color -----, complexion -----, height -----, weight -----, color of hair -----, color of eyes -----, other visible distinctive marks -----; I was born in -----, on the ----- day of -----, anno Domini -----; I now reside at -----; I emigrated to the United States of America from ----- on the vessel -----; my last foreign residence was ----- It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to -----, of which I am now a citizen (subject); I arrived at the (port) of -----, in the State (Territory or District) of -----, on or about the ----- day of -----, anno Domini -----; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant) -----

Subscribed and sworn to (affirmed) before me this ----- day of -----, anno Domini -----.

[L. s.]

-----,
(Official character of attestor.)

PETITION FOR NATURALIZATION.

----- Court of -----.

In the matter of the petition of ----- to be admitted as a citizen of the United States of America.

To the ----- Court:

The petition of ----- respectfully shows:

First. My full name is -----.

Second. My place of residence is number ----- street, city of -----, State (Territory or District) of -----.

Third. My occupation is -----.

Fourth. I was born on the ----- day of ----- at -----.

Fifth. I emigrated to the United States from -----, on or about the ----- day of -----, anno Domini -----, and arrived at the port of -----, in the United States, on the vessel -----.

Sixth. I declared my intention to become a citizen of the United States on the ----- day of -----, at -----, in the ----- court of -----.

Seventh. I am -- married. My wife's name is ----- She was born in ----- and now resides at ----- I have ----- children, and the name, date, and place of birth and place of residence of each of said children is as follows: -----; -----; -----.

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to -----, of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to wit, since -----, anno Domini -----, and in the State (Territory or District) of ----- for one year at least next preceding the date of this petition, to wit, since ----- day of -----, anno Domini -----.

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the ----- court of ----- at -----, and the said petition was denied by the said court for the following reasons and causes, to wit, -----, and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the Department of Labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated -----

(Signature of petitioner) -----

-----, ss:

-----, being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this ----- day of -----, anno Domini -----.

[L. s.]

-----,
Clerk of the ----- Court.

AFFIDAVIT OF WITNESSES.

----- Court of -----

In the matter of the petition of ----- to be admitted a citizen of the United States of America.

-----, ss:

-----, occupation -----, residing at -----, and -----, occupation -----, residing at -----, each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known -----, the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the State (Territory or District) in which the above-entitled application is made for a period of ----- years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

Subscribed and sworn to before me this ----- day of -----, nineteen hundred and -----.

[L. s.]

-----,
(Official character of attestor.)

CERTIFICATE OF NATURALIZATION.

Number -----.

Petition, volume -----, page -----.

Stub, volume -----, page -----.

----- (Signature of holder) -----

Description of holder: Age, -----; height, -----; color, -----; complexion, -----; color of eyes, -----; color of hair, -----; visible distinguishing marks, ----- Name, age, and place of residence of wife, -----, ----- Names, ages, and places of residence of minor children, -----, -----; -----, -----; -----, -----, -----

-----, SS:

Be it remembered, that at a ----- term of the ----- court of -----, held at ----- on the ----- day of -----, in the year of our Lord nineteen hundred and -----, -----, who previous to his (her) naturalization was a citizen or subject of -----, at present residing at number ----- street, ----- city (town), ----- State (Territory or District), having applied to be admitted a citizen of the United States of America pursuant to law, and the court having found that the petitioner had resided continuously within the United States for at least five years and in this State for one year immediately preceding the date of the hearing of his (her) petition, and that said petitioner intends to reside permanently in the United States, had in all respects complied with the law in relation thereto, and that --he was entitled to be so admitted, it was thereupon ordered by the said court that --he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the _____ day of _____, in the year of our Lord nineteen hundred and _____ and of our independence the _____.

[L. S.]

(Official character of attestor.)

4 STUB OF CERTIFICATE OF NATURALIZATION.

No. of certificate, - - - -.

Name _____; age, _____.

Declaration of intention, volume -----, page -----.

Petition, volume -----, page -----

Name, age, and place of residence of wife, ----, ----, ----. Names, ages, and places of residence of minor children, ----, ----, ----, ----,

.....

Date of order, volume -----, page -----

(Signature of holder) _____

SEC. 28. That the Secretary of Labor shall have power to make such rules and regulations as may be necessary for properly carrying into execution the various provisions of this act. Certified copies of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any and all of the provisions of this act shall be admitted in evidence equally with the originals in any and all proceedings under this act and in all cases in which the originals thereof might be admissible as evidence.

Sec. 29. That for the purpose of carrying into effect the provisions of this act there is hereby appropriated the sum of one hundred thousand dollars, out of any moneys in the Treasury of the United States not otherwise appropriated, which appropriation shall be in full for the objects hereby expressed until June thirtieth, nineteen hundred and seven; and the provisions of section thirty-six hundred and seventy-nine of the Revised Statutes of the United States shall not be applicable in any way to this appropriation.

SEC. 30. That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe perma-

ment allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law.

SEC. 31. That this act shall take effect and be in force from and after ninety days from the date of its passage: *Provided*, That sections one, two, twenty-eight, and twenty-nine shall go into effect from and after the passage of this act.

Approved, June 29, 1906.

NATURALIZATION.

[For a list of sections repealed see p. 240 ante, sec. 26 of act of June 29, 1906.]

NATURALIZATION LIMITED TO WHITE PERSONS AND THOSE OF THE AFRICAN RACE.

[Act of February 18, 1875, amending act of July 14, 1870.]

SEC. 2169. The provisions of this title shall apply to aliens being free white persons and to aliens of African nativity and to persons of African descent. (R. S. 1878, 380; 1 Comp. Stat. 1901, 1333.)

NATURALIZATION OF CHINESE PROHIBITED.

[Act of May 6, 1882.]

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed. (22 Stat. L., 61.)

RESIDENCE WITHIN THE UNITED STATES REQUIRED FOR FIVE YEARS CONTINUOUSLY.

[Act of March 3, 1813.]

[The United States Circuit Court of Appeals has held that sec. 2170 was not repealed by the naturalization act of June 29, 1906. (See *United States v. Redlek*, 162 Fed., 469.)]

SEC. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States. (R. S. 1878, 380; 1 Comp. Stat. 1901, 1333.)

RESIDENCE IN HAWAII FOR NATURALIZATION PURPOSES.

[Act of April 30, 1900.]

SEC. 100. That for the purpose of naturalization under the laws of the United States residence in the Hawaiian Islands prior to the taking effect of this act shall be deemed equivalent to residence in the United States and in the Territory of Hawaii, and the requirement of a previous declaration of intention to become a citizen of the United States and to renounce former allegiance shall not apply to persons who have resided in said islands at least five years prior to the taking effect of this act; but all other provisions of the laws of the United States relating to naturalization shall, so far as applicable, apply to persons in the said islands. (31 Stat. L., 161.)

NATURALIZATION OF ALIEN ENEMIES PROHIBITED.

[Act of July 30, 1813, amending act of April 14, 1802.]

SEC. 2171. No alien who is a native citizen or subject, or a denizen of any country, State, or sovereignty with which the United States are at war at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien. (R. S. 1878, 380; 1 Comp. Stat. 1901, 1334.)

ALIEN SEAMEN OF MERCHANT VESSELS.

[Act of July 7, 1872.]

SEC. 2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen. (R. S. 1878, 380; 1 Comp. Stat. 1901, 1334.)

HONORABLY DISCHARGED SOLDIERS EXEMPT FROM CERTAIN FORMALITIES.

[Act of July 17, 1862.]

SEC. 2166. Any alien of the age of twenty-one years and upward who has enlisted, or may enlist, in the armies of the United States, either the Regular or the Volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States. (R. S. 1878, 379; 1 Comp. Stat. 1901, 1332.)

ALIENS HONORABLY DISCHARGED FROM SERVICE IN NAVY OR MARINE CORPS.

[Act of July 26, 1894.]

Any alien of the age of twenty-one years and upward who has enlisted or may enlist in the United States Navy or Marine Corps, and has served or may hereafter serve five consecutive years in the United States Navy or one enlistment in the United States Marine Corps, and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States Navy or Marine Corps. (28 Stat. L., 124.)

ALIENS HONORABLY DISCHARGED FROM SERVICE IN NAVY, MARINE CORPS, REVENUE-CUTTER SERVICE, OR NAVAL AUXILIARY SERVICE.

[Act of June 30, 1914.]

Any alien of the age of twenty-one years and upward who may, under existing law, become a citizen of the United States, who has served or may hereafter serve for one enlistment of not less than four years in the United States Navy or Marine Corps, and who has received therefrom an honorable discharge or an ordinary discharge, with recommendation for reenlistment, or who has completed four years in the Revenue-Cutter Service and received therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment, or who has completed four years of honorable service in the naval auxiliary service, shall be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such, and without proof of residence on shore, and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof from naval or revenue-cutter sources of such service: *Provided*, That an honorable discharge from the Navy, Marine Corps, Revenue-Cutter Service, or the naval auxiliary service, or an ordinary discharge with recommendation for reenlistment, shall be accepted as proof of good moral character: *Provided further*, That any court which now has or may hereafter be given jurisdiction to naturalize aliens as citizens of the United States may immediately naturalize any alien applying under and furnishing the proof prescribed by the foregoing provisions. (U. S. Stat., 2d sess., 63d Cong., pt. 1, 395.)

ALIENS WHO ERRONEOUSLY BELIEVED THEMSELVES CITIZENS EXEMPT FROM CERTAIN FORMALITIES.

[Act of June 25, 1910.]

SEC. 3. That paragraph 2 of section 4 of an act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, be amended by adding after the proviso in paragraph 2 of section 4 of said act the following: "*Provided further*, That any person belonging to the class of persons authorized and qualified under existing law to become a citizen of the United States who has resided constantly in the United States during

a period of five years next preceding May first, nineteen hundred and ten, who, because of misinformation in regard to his citizenship or the requirements of the law governing the naturalization of citizens has labored and acted under the impression that he was or could become a citizen of the United States and has in good faith exercised the rights or duties of a citizen or intended citizen of the United States because of such wrongful information and belief may, upon making a showing of such facts satisfactory to a court having jurisdiction to issue papers of naturalization to an alien, and the court in its judgment believes that such person has been for a period of more than five years entitled upon proper proceedings to be naturalized as a citizen of the United States, receive from the said court a final certificate of naturalization, and said court may issue such certificate without requiring proof of former declaration by or on the part of such person of their intention to become a citizen of the United States, but such applicant for naturalization shall comply in all other respects with the law relative to the issuance of final papers of naturalization to aliens." (36 Stat. L., pt. 1, 830.)

**PROVIDING FOR NATURALIZATION OF WIFE AND MINOR CHILDREN OF INSANE ALIENS
MAKING HOMESTEAD ENTRIES UNDER LAND LAWS OF THE UNITED STATES.**

[Act of Feb. 24, 1911.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any alien, who has declared his intention to become a citizen of the United States, becomes insane before he is actually naturalized, and his wife shall thereafter make a homestead entry under the land laws of the United States, she and their minor children may, by complying with the other provisions of the naturalization laws, be naturalized without making any declaration of intention. (36 Stat. L., pt. 1, 929.)

**VALIDATING CERTAIN CERTIFICATES OF NATURALIZATION; ALSO RECORDS OF
CRIMINAL COURT, COOK COUNTY, ILL.**

[Act of June 29, 1906.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That naturalization certificates issued after the act approved March third, nineteen hundred and three, entitled "An act to regulate the immigration of aliens into the United States," went into effect, which fail to show that the courts issuing said certificates complied with the requirements of section thirty-nine of said act, but which were otherwise lawfully issued, are hereby declared to be as valid as though said certificates complied with said section: *Provided,* That in all such cases applications shall be made for new naturalization certificates, and when the same are granted, upon compliance with the provisions of said act of nineteen hundred and three, they shall relate back to the defective certificates, and citizenship shall be deemed to have been perfected at the date of the defective certificate.

SEC. 2. That all the records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the time when this act takes effect in or from the criminal court of Cook County, Illinois, shall for all purposes be deemed to be and to have

been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated or legalized. (34 Stat. L., pt. 1, 630.)

VALIDATING NATURALIZATION RECORDS, TERRITORY OF HAWAII.

[Act of May 27, 1910.]

SEC. 9. That section one hundred of said act is hereby amended by adding thereto the following:

"All records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the taking effect of the naturalization act of June twenty-ninth, nineteen hundred and six, in or from any circuit court of the Territory of Hawaii, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated or legalized." (36 Stat. L., pt. 1, 448.)

VALIDATING NATURALIZATION RECORDS OF CITY (OR POLICE) COURT, LOUISVILLE, KY.

[Act of Aug. 24, 1912.]

SEC. 9. All of the records relating to naturalization or declarations of intention to become citizens of the United States and all certificates of naturalization filed, recorded, or issued prior to an act to validate certain certificates of naturalization approved June twenty-ninth, nineteen hundred and six, in or from the Louisville city court, sometimes called the Louisville police court, Kentucky, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated or legalized. (37 Stat. L., pt. 1, 487.)

VALIDATING NATURALIZATION RECORDS OF COUNTY COURT, DAVIDSON COUNTY, TENN.

[Act of June 23, 1913.]

SEC. 4. That all of the records relating to naturalization or declarations of intentions to become citizens of the United States and all certificates of naturalization filed, recorded, or issued prior to an act to validate certain certificates of naturalization approved June twenty-ninth, nineteen hundred and six, in or from the county court of Davidson County, Tennessee, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated or legalized. (U. S. Stat., 1st sess. 63d Cong., 75.)

AN ACT TO CODIFY, REVISE, AND AMEND THE PENAL LAWS OF THE UNITED STATES.

[Act of Mar. 4, 1909.]

[The following sections repeal secs. 16, 17, and 19 of the act of June 29, 1906.]

SEC. 74. Whoever who shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall knowingly aid or assist in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person, shall be fined

not more than ten thousand dollars, or imprisoned not more than ten years, or both.

SEC. 75. Whoever shall engrave, or cause or procure or be engraved, or assisting in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship; or whoever shall sell any such plate, or shall bring into the United States from any foreign place any such plate, except under the direction of the Secretary of Labor or other proper officer; or whoever shall have in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such certificate has been printed, with intent to use or to suffer such plate to be used in forging or counterfeiting any such certificate or any part thereof; or whoever shall print, photograph, or in any manner cause to be printed, photographed, made, or executed, any print or impression in the likeness of any such certificate, or any part thereof; or whoever shall sell any such certificate, or shall bring the same into the United States from any foreign place, except by direction of some proper officer of the United States; or whoever shall have in his possession a distinctive paper which has been adopted by the proper officer of the United States for the printing of such certificate, with intent unlawfully to use the same shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both.

SEC. 76. Whoever, when applying to be admitted a citizen, or when appearing as a witness for any such person, shall knowingly personate any person other than himself, or shall falsely appear in the name of a deceased person, or in an assumed or fictitious name; or whoever shall falsely make, forge, or counterfeit any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens; or whoever shall utter, sell, dispose of, or shall use as true or genuine, for any unlawful purpose, any false, forged, antedated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or whoever shall sell or dispose of to any person other than the person for whom it was originally issued any certificate of citizenship or certificate showing any person to be admitted a citizen, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

SEC. 77. Whoever shall use or attempt to use, or shall aid, assist, or participate in the use of any certificate of citizenship, knowing the same to be forged, counterfeit, or antedated, or knowing the same to have been procured by fraud or otherwise unlawfully obtained; or whoever, without lawful excuse, shall knowingly possess any false, forged, antedated, or counterfeit certificate of citizenship purporting to have been issued under any law of the United States relating to naturalization, knowing such certificate to be false, forged, antedated, or counterfeit, with the intent unlawfully to use the same; or whoever shall obtain, accept, or receive any certificate of citizenship, knowing the same to have been procured by fraud or by the use or means of any false name or statement given or made with the intent to procure or to aid in procuring, the issuance of such certificate, or knowing the same to have been fraudulently altered or antedated; or whoever, without lawful excuse, shall have in his possession any blank certificate of citizenship provided by the Bureau of Naturalization with

the intent unlawfully to use the same; or whoever, after having been admitted to be a citizen, shall, on oath or by affidavit, knowingly deny that he has been so admitted, with the intent to evade or avoid any duty or liability imposed or required by law, shall be fined not more than one thousand dollars or imprisoned not more than five years, or both.

SEC. 78. Whoever shall in any manner use, for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order, certificate, judgment, or exemplification has been unlawfully issued or made; or whoever shall unlawfully use, or attempt to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

SEC. 79. Whoever shall knowingly use any certificate of naturalization heretofore or which hereafter may be granted by any court, which has been or may be procured through fraud or by false evidence, or which has been or may hereafter be issued by the clerk or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; or whoever, for any fraudulent purpose whatever, shall falsely represent himself to be a citizen of the United States without having been duly admitted to citizenship, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

SEC. 80. Whoever, in any proceeding under or by virtue of any law relating to the naturalization of aliens, shall knowingly swear falsely in any case where an oath is made or affidavit taken, shall be fined not more than one thousand dollars and imprisoned not more than five years.

SEC. 81. The provisions of the five sections last preceding shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced, and whether such court was vested by law with jurisdiction in naturalization proceedings or not. (35 Stat. L., pt. 1, 1102.)

By the terms of section 341 of the act referred to above the foregoing sections specifically repealed sections 5395, 5424, 5425, 5426, 5428, and 5429 of the Revised Statutes of the United States, as well as sections 16, 17, and 19 of the act of June 29, 1906 (34 Stat. L., pt. 1, 596.)

CITIZENSHIP.

[In regard to the acquisition of citizenship by means other than naturalization, see also secs. 1992 and 1995 of the United States Revised Statutes.]

CITIZENSHIP BY BIRTH.

Sec. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. * * * (Constitution, Art. XIV.)

CITIZENSHIP OF CHILDREN BORN ABROAD OF CITIZENS.

[Act of Feb. 10, 1855, amending act of April 14, 1802.]

SEC. 1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States. (R. S. 1878, 350; 1 Comp. Stat. 1901, 1268.)

CITIZENSHIP OF WOMEN BY MARRIAGE.

[Act of Feb. 10, 1855.]

SEC. 1994. Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen. (R. S. 1878, 350; 1 Comp. Stat. 1901, 1268.)

CHILDREN OF PERSONS NATURALIZED UNDER CERTAIN LAWS TO BE CITIZENS.

[Act of Apr. 14, 1802.]

SEC. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the State in which such person was proscribed. (R. S. 1878, 380; 1 Comp. Stat. 1901, 1334.)

EXPATRIATION OF CITIZENS AND THEIR PROTECTION ABROAD.

[Act of Mar. 2, 1907.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years a passport may be issued to him entitling him to the protection of the Government in any foreign country: *Provided*, That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention.

SEC. 2. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any other foreign state it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years: *Provided, however,* That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe: *And provided also,* That no American citizen shall be allowed to expatriate himself when this country is at war.

SEC. 3. That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

SEC. 4. That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continue to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation.

SEC. 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent: *Provided,* That such naturalization or resumption takes place during the minority of such child: *And provided further,* That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States.

SEC. 6. That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section nineteen hundred and ninety-three of the Revised Statutes of the United States and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority.

SEC. 7. That duplicates of any evidence, registration, or other acts required by this act shall be filed with the Department of State for record. (34 Stat. L., pt. 1, 1228.)

NATURALIZATION REGULATIONS.

1. Since September 26, 1906, naturalization jurisdiction of State courts is confined to such as have "a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited."

2. Any alien who prior to September 27, 1906, has declared his intention in conformity with the law in force at the date of his declaration, shall not be required to renew such declaration.

3. Aliens who lawfully declared their intention on and after June 29, 1906, and prior to September 27, 1906, must comply with all of the requirements of the naturalization act of June 29, 1906, in petitioning for naturalization, with the exception that those arriving prior to June 29, 1906, are not required to furnish certificates of arrival.

Aliens who declared their intention prior to June 29, 1906, in accordance with the requirements of law, must comply with all of the requirements of the naturalization act of June 29, 1906, in petitioning for naturalization, except that they will not be required to file certificates of arrival, sign their petitions in their own handwriting, or to speak the English language.

4. Any alien who declares his intention after June 29, 1906, and files his petition thereon, must sign said petition in his own handwriting, and must be able to speak the English language, unless excepted by the provisos in section 8 of the naturalization act. If an alien is physically unable to speak, that fact should be stated in his petition in lieu of the statement, "I am able to speak the English language." Aliens who arrive in the United States, before reaching 18 years of age can not obtain citizenship without making declaration of intention, which may be made in a court having naturalization jurisdiction over the place of their established residence after reaching that age.

5. Blank forms "Facts for declaration of intention" (Form 2213) and "Facts for petition for naturalization" (Form 2214) are provided clerks of courts for the preliminary use of persons making declaration of intention or petition for naturalization, and may be taken away from the office of the clerk in order that the information called for may be obtained in full. When either of said forms is returned to the clerk he shall examine it to see that all the information required is furnished before proceeding to make out a declaration or petition..

In all cases where aliens have arrived in this country after June 29, 1906, they should be given the form "Application for certificate of arrival" Form 2226, at the time they desire to file petitions for naturalization instead of Form 2214. This application has attached to it the facts required in a petition for naturalization. The application and other blanks on the form should all be carefully filled out by the alien and mailed with his triplicate declaration of intention to the Commissioner of Naturalization to enable him to obtain and transmit the required certificate of arrival (Form 526 or 526a) to the clerk of court for filing with the petition. The clerk of the court should not commence the execution of the petition until he has received the certificate of arrival prescribed by this regulation. The certificate of arrival will contain its serial number in the upper right-hand corner, which the clerk of the court will insert in the petition for naturalization at the place indicated.

6. Declarations of intention will be furnished in bound volumes (Form 2202, 50 leaves; 2202A, 150 leaves; or 2202B, 250 leaves) as a court record, varied in number of pages according to the requirements of the court. In addition to the bound records, the duplicate and triplicate declarations of intention (Form 2203) will be furnished as loose sheets attached together and perforated so that they can be readily torn apart, the triplicate to be given to the declarant and the duplicate to be forwarded to the Bureau of Naturalization. Each bound record will contain an index in addition to the original declara-

tions of intention, and will be paged in consecutive order. At the time the original declarations of intention in the bound volumes are filled out and signed the names of the declarants must be entered in the index. The declarations shall be numbered consecutively, beginning with No. 1 in volume 1 and continuing the sequence from volume to volume.

7. The originals of the petitions for naturalization will also be furnished in bound volumes (Form 2204, 100 leaves, or 2204B, 250 leaves) paged in consecutive order and provided with an index. The duplicate petitions (Form 2205) will be furnished as loose sheets, and when executed must be forwarded to the Bureau of Naturalization by registered mail, as provided in Rule 22 of these regulations. The original petitions for naturalization in the bound volumes must be filled out and signed, the names of the petitioners entered in the index, and retained as part of the permanent records of the office in which filed. Petitions shall be numbered consecutively, beginning with No. 1 in volume 1 and continuing in order in the following volumes. The first petition in volume 2 must not be numbered "1," but shall receive the number following that given the last petition in volume 1.

8. Certificates of naturalization (Form 2207) will be supplied in bound volumes consisting of original and duplicate certificates and stubs. Each original and duplicate certificate and the stub will be given the same serial number, the stub to the original certificate bearing a page number in addition to its serial number. The original certificate will be given to the petitioner in accordance with the final order of the court, and the duplicate shall be forwarded to the Bureau of Naturalization by registered mail, as provided in Rule 22 of these regulations, the stub to the original constituting a part of the permanent records of the court. The bound volumes containing the declarations, petitions, and certificates constitute the "records" and dockets required by sections 6 and 14 of the naturalization act. The Department requires no other dockets to be kept.

9. No certificate of naturalization shall be issued to a petitioner until after the judge of the court granting naturalization has signed the order to that effect.

10. Clerks of courts will be furnished with requisition blanks (Form 2201) on which are listed, by number and title, all blank forms, including record and order books, to be used in the naturalization of aliens, and these forms must be obtained exclusively from the Bureau of Naturalization, Department of Labor, none other being official. Manila envelopes or jackets (Form 2211) will be furnished to clerks in which to place the triplicate declaration of intention or the original certificate of naturalization before delivering it to the person making the declaration or to the person naturalized.

11. The first supply of blank forms will be furnished upon the written application of the clerks of courts having jurisdiction to naturalize aliens, accompanied, in the case of clerks of State courts, by authoritative evidence (preferably the certificate of the attorney general of the State) that the courts of which such clerks are officers have "a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited." Subsequent supplies of such blank forms will be furnished the clerks of courts having jurisdiction to naturalize aliens upon the receipt by the Bureau of Naturalization of requisitions made on Form 2201.

12. Clerks of courts when first making application to the Bureau of Naturalization for the supplies of the blank forms required in the naturalization of aliens shall state whether any declarations of intention have been filed or orders of naturalization made by their courts since September 26, 1906. They should also state the number of certificates of naturalization issued by the courts since June 1, 1903, if such certificates fail to comply with the requirements of the immigration act of March 3, 1903.

13. Where the same court holds sessions at different places, whether a clerk is appointed at each of said places or the one clerk is required to transact the business of the court wherever it may sit, separate supplies shall be kept, in order to comply with the requirements of section 14 of the naturalization act, which provides that the bound declarations of intention and of petitions for naturalization shall be in chronological order.

14. In every case in which the name of a naturalized alien is changed by order of court, as provided in section 6, the clerk of the court is required to report both the original and the new name of the said person to the Board of Naturalization when transmitting to it the duplicate of the certificate of naturalization of the alien whose name is changed.

15. On the first working day of each month the clerk shall inform the Bureau of Naturalization on Form 2209 of the date of posting notice on Form 2206, as required by section 5, and of the day, month, and year, as near as may be, for the final hearing of each and every petition for naturalization filed and posted during the preceding month. These reports on Form 2209 must specify only the petitions filed in the month to which the report relates and no others. In continued cases notice on Form 2206 must be amended to show the postponed date and remain posted until final action is had.

16. On the first working day of each month following the sitting of a court in naturalization cases the clerk of such court shall forward to the Bureau of Naturalization on Form 2210 a list containing the name of each and every alien who, during such sitting of court, has been denied naturalization and shall state the reason or reasons for such denial.

17. Applications for lost or destroyed naturalization papers issued prior to September 27, 1906, should be disposed of in accordance with the rules in force in the court at the time of the issuance of the papers.

The following rule applies exclusively to naturalization papers issued since September 26, 1906:

Applications for the issuance of declarations of intention (Form 2203) or certificates of naturalization (Form 2207) in lieu of declarations of intention or certificates of naturalization claimed to have been lost or destroyed shall be submitted in affidavit form to the clerk of the court by which any such declarations of intention or certificates of naturalization were originally issued, and shall contain full information in regard to the lost or destroyed papers, and as to the time, place, and circumstances of such alleged loss or destruction. (Form 2225 prepared for this purpose may be obtained from the clerk of any naturalization court.) The clerk shall forward to the Bureau of Naturalization the above-mentioned applications, together with such information as he may have bearing upon the merits thereof, for investigation, and no such paper so applied for

shall be issued until the Bureau of Naturalization reports the results of its investigation as to the merits of the application.

In every case in which the clerk of the court issues, in accordance with the foregoing, a declaration of intention (Form 115) or a certificate of naturalization (Form 2207) upon proof of the loss or destruction of the original, he shall make an entry on the original declaration showing the issuance of a certified copy, or on the stubs of both the new and the old certificates of naturalization, showing the issuance of a new certificate, giving the numbers of the new and old certificates, and shall immediately thereafter forward to the Bureau of Naturalization the duplicate of any such paper so issued.

One certified copy of declaration of intention (Form 2215) or certificate of naturalization (Form 2216) may be furnished by the clerk of the issuing court under his hand and the seal of the court for the use only of the person concerned to establish his citizenship status in connection with any entry under the public-land laws of the United States. When issued these forms must be made in duplicate, one to be given to the person applying therefor and the duplicate forwarded with other naturalization papers on the first working day of the succeeding month to the Bureau of Naturalization. Unless the applicant presents to the clerk his original declaration or certificate for comparison, these forms can under no conditions be issued. In case the alien makes a second land entry he may support his second entry by describing the first land claim with which his declaration or certificate is filed.

The fees to be collected for the issuance of each of the copies of declarations of intention and of certificates of naturalization described in this regulation, and the disposal to be made of such fees when collected, will be determined in accordance with the law and the rules in force in the respective courts. No part of these fees is required to be forwarded to this Department. Clerks are, however, required to make quarterly reports, on Form 2217, on the first working day of January, April, July, and October, of the number of such papers issued during the preceding quarter.

18. Original declarations of intention, or certificates of naturalization, issued subsequent to September 26, 1906, and surrendered to the General Land Office in support of entries upon public land, may be returned upon proper application. In cases of declarations of intention the clerk will forward the application to the Bureau of Naturalization, accompanied by a certified copy on Form 2215. In cases of certificates, the application will be accompanied by a personal description of the applicant. In both instances a description of the land should be included, giving the section, township, and range, together with the date and place of making the entry. The originals will then be procured from the General Land Office and returned to the clerk of the court.

19. For recording the affidavits of substituted witnesses under section 5 of the act of June 29, 1906, blank forms (Form 2218) have been prepared as pasters to be affixed to the backs of petitions in the bound volume, following the "Order of court admitting petitioner." Copies of this form may be procured by the usual requisition (Form 2201). Do not send copies of this form to the Bureau of Naturalization.

20. Aliens making declarations of intention, or filing petitions for naturalization, must sign their names in full and without abbrevia-

tion in the appropriate places on the various blank forms, and the entries of their names by the clerk must correspond in every particular. Where a name contains an initial which is used only to distinguish one individual from another with the same surname, that fact should be noted on the paper.

21. Clerks of courts shall not receive declarations of intention (Form 2202) or file petitions for naturalization (Form 2204) from other aliens than white persons and persons of African nativity or of African descent. Any alien, other than a Chinese person, who claims that he is a white person in the sense in which that term is used in section 2169 Revised Statutes, should be allowed, if he insists upon it after an explanation is made showing him the risk of denial, to file his declaration or his petition, as the case may be, leaving the issue to be determined by the court.

Declarations should not be received from, nor petitions for naturalization filed by, persons not residing in the judicial district within which the court is held.

22. On the first working day of each and every month, and not otherwise, clerks of courts shall forward to the Bureau of Naturalization duplicates of all declarations of intention, petitions for naturalization, and certificates of naturalization filed or issued during the preceding month. Duplicate petitions for naturalization and duplicate certificates of naturalization shall be forwarded by registered mail; and duplicate declarations of intention as well as other papers may be inclosed therewith provided the combined weight of the documents does not exceed 4 pounds, otherwise they shall be forwarded separately by unregistered mail. The same course should be followed in forwarding to the bureau naturalization papers which have been returned for correction. Each clerk making a shipment of naturalization papers other than papers returned for correction is required to forward therewith a report on Form 2208 showing the number of such papers filed or issued during the month reported. Where petitions for naturalization have been filed the report on Form 2209 showing the approximate dates of final hearings shall also be inclosed with such shipment. When no naturalization business has been transacted during any month it is unnecessary to render monthly reports to that effect, but report should be made as prescribed in rule 23.

23. All fees provided for in section 13 of the act of June 29, 1906, shall be accounted for on the "Abstract of collections" (Form 2212) within thirty days after the close of each quarter of a fiscal year. These quarters end September 30, December 31, March 31, and June 30, respectively. One-half of all moneys so collected, up to \$6,000, and all in excess thereof, shall be remitted to the Commissioner of Naturalization, Bureau of Naturalization, with said quarterly account, such remittance to be made payable to the order of the Secretary of Labor, preferably by draft. The Comptroller of the Treasury has decided that section 13 requires the collection of the final fee of \$2 whether the certificate of naturalization be issued or denied.

In cases where no naturalization business is transacted during any quarter, Form 2212 shall be forwarded as aforesaid with the words "No transactions" noted thereon.

24. (a) Where a petition for naturalization is filed under section 2166 Revised Statutes, exempting honorably discharged soldiers from the necessity for filing declarations of intention and proving more than

one year of residence in the United States in addition to good moral character, insert in lieu of the information regarding declaration of intention: "Petitioner is an honorably discharged soldier and applies for citizenship under section 2166 Revised Statutes. He enlisted in the (name of organization) on the (day, month, and year)." Complete the petition according to paragraph (d) of this rule.

(b) Where an alien files his petition for naturalization under the act of July 26, 1894, and claims exemption from the necessity for filing a declaration of intention on account of service in the United States Navy or Marine Corps, the words having reference to declaration of intention in the petition should be struck through and in lieu thereof the following inserted: "Petitioner is an honorably discharged member of the Navy (or member of the Marine Corps, if that be the case) and applies for citizenship under the act of July 26, 1894. He enlisted on the (day, month, and year) and was discharged on the (day, month, and year)." Each enlistment of the applicant and his discharge therefrom should be shown. Complete the petition according to paragraph (d) of this rule.

(c) Where an alien files petition for naturalization under the act of June 30, 1914, the words having reference to declaration of intention in the petition should be struck through, and in lieu thereof the following should be inserted: "Petitioner is an honorably discharged member of the (Navy, Marine Corps, Revenue-Cutter Service, or naval auxiliary service, as the case may be) and applies for citizenship under the act of June 30, 1914. He enlisted in the (state the branch of the service) on the (day, month, and year) and was discharged (day, month, and year)." Each enlistment of the applicant should be shown. The petition should be completed according to paragraph (d) of this rule.

(d) In executing petitions under the three foregoing exemptions, that portion of the last paragraph preceding the signature of the petitioner relating to the declaration of intention and certificate of arrival should be struck through when the alien arrived on or prior to June 29, 1906. When the arrival was after that date, only the words "my declaration of intention to become a citizen of the United States and" should be struck through. The statement following the signature of the petitioner to the body of the petition should be struck through entirely in cases of aliens arriving on or before June 29, 1906; but for those arriving after that date only the words "declaration of intention" should be struck through, and in both cases the entry in lieu thereof should be made "Honorable discharge certificate of petitioner was exhibited to me this _____ day of _____." An appropriate note should also be entered upon the stub of the certificate issued to said applicant.

(e) Certain aliens are permitted to petition for naturalization under the terms of the act of June 25, 1910, without proof of previous declarations of intention. Clerks of courts should state in lieu of the information regarding the declaration of intention "Filed under provisions of section 3 of the act of Congress approved June 25, 1910," and the statement following the first signature of the petitioner should be changed so as to read "Declaration of intention omitted under the terms of the act of June 25, 1910." Affidavit setting forth particulars as to the reason for the exemption claimed must be signed and sworn to by the petitioner before the clerk of the court or his authorized

deputy. In the event this form is not presented by an officer in the Naturalization Service it will be forwarded to the clerk of the court for use in any case to which it relates, upon examination of the duplicate petition in the bureau.

(f) Petitions for naturalization under the sixth subdivision of section 4 may be legally filed by children of the deceased declarant only after such children who were minors at the time of the death of the father have attained their majority. Where a petition is filed by a child under the foregoing conditions, the fifth assertion should be altered to read: "My father declared his intention to become a citizen of the United States on the _____ day _____, A. D. _____, and died on the _____ day of _____, A. D. _____."

(g) Where a petition for naturalization is filed under this subdivision by the widow of a deceased declarant, the fifth assertion should be altered to correspond to the foregoing in relation to the child, with the exception that the word "husband" should be inserted instead of the word "father."

(h) In the last two cases referred to the words in the paragraph immediately preceding petitioner's first signature should be altered to show that the father's or husband's declaration (as the case may be), or a certified copy thereof, is attached to the original petition, and the statement of the clerk of the court immediately below the first signature of the petitioner should be changed to show the facts. If the petitioner arrived in the United States prior to June 29, 1906, the words in statement immediately preceding the first signature of petitioner and thereafter having reference to the certificate of arrival should also be struck through. If the petitioner arrived in the United States after June 29, 1906, certificate of arrival must be obtained in accordance with rule 5 of these regulations, and the words in the two statements above referred to should remain unaltered with the exception that the last statement should include the number of the certificate of arrival appearing in the upper right-hand corner thereof.

(i) Where a petition for naturalization is filed by the widow of an alien, based upon her own declaration of intention, the date of her husband's demise should be shown in the fifth assertion.

(k) Naturalization papers may be legally filed by any unmarried woman who is otherwise qualified, or the widow of a foreign-born person not naturalized, but not by a woman during the existence of the marital relation. Notation of the facts in each case should be made upon the face of each paper before it is issued.

25. So far as practicable the clerks of courts having jurisdiction under the provisions of the naturalization laws will be furnished, upon requisition therefor on Form 2201, with appropriately addressed envelopes for communicating with the bureau. When not using such envelopes, however, all communications, in addition to the other necessary address, should be plainly marked "Bureau of Naturalization."

26. Clerks of courts having jurisdiction to naturalize under the provisions of the act of June 29, 1906, are requested, in case the foregoing rules and regulations fail to remove from their minds doubt as to the proper course of action in any case, to write to the Commissioner of Naturalization, Bureau of Naturalization, for instructions before taking such action.

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